

By Mr. TOWNER: Petition of citizens of Creston, Iowa, indorsing House bill 10550, providing for national ownership and Government operation of all railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. VOLSTEAD: Petition of residents of Minnesota, demanding that Congress pass necessary legislation to carry out the terms of the President's proclamation on the guaranteed price of wheat for 1919; to the Committee on Agriculture.

SENATE.

SATURDAY, February 8, 1919.

(Legislative day of Friday, Feb. 7, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, S. Dak.	Nugent	Smoot
Beckham	Jones, N. Mex.	Overman	Spencer
Borah	Jones, Wash.	Page	Sterling
Chamberlain	Kellogg	Penrose	Sutherland
Colt	King	Pittman	Swanson
Culberson	Kirby	Poindexter	Thomas
Curtis	Knox	Pollock	Thompson
Dillingham	La Follette	Pomerene	Townsend
Fernald	Lenroot	Ransdell	Trammell
Fletcher	Lodge	Robinson	Underwood
France	McKellar	Saulsbury	Vardaman
Gay	McNary	Shafroth	Wadsworth
Hale	Martin, Va.	Sheppard	Walsh
Harding	Moses	Sherman	Warren
Henderson	Nelson	Simmons	Weeks
Johnson, Cal.	New	Smith, Ariz.	

Mr. SHEPPARD. I wish to announce that the Senator from Oklahoma [Mr. GORE], the Senator from Delaware [Mr. WORTCOTT], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Arizona [Mr. ASHURST] are detained on official business.

Mr. SAULSBURY. I desire to state that the senior Senator from Maryland [Mr. SMITH] is still confined to his house by illness.

I wish also to state that the senior Senator from Mississippi [Mr. WILLIAMS] is detained from the Senate by illness.

Mr. TRAMMELL. I desire to announce the absence of the junior Senator from Georgia [Mr. HARDWICK] on committee work of the Senate.

Mr. POLLOCK. I wish to announce the absence of the senior Senator from South Carolina [Mr. SMITH] on official business.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

CLAIMS OF ARMY OFFICERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting copies of certain estimates for the relief of officers, and for other purposes, which were submitted as part of the annual estimates for the Army appropriation bill for the fiscal year 1920, etc., which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WALSH. I present a memorial of the Legislature of the State of Montana, which I ask to have printed in the RECORD and referred to the Committee on Military Affairs.

The memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

A memorial to the honorable Senate and House of Representatives of the United States in Congress assembled for the passage of an act ceding to the State of Montana the military reservation located in Montana known as Fort William Henry Harrison, to be used as an adjunct of the State industrial accident board for a rehabilitation institute for the education and maintenance of persons injured in the industries of Montana and adjoining States.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas by act of Congress approved May 12, 1892, there was established in the State of Montana Fort William Henry Harrison, the site for which, consisting of 1,000 acres, was donated to the United States by the citizens of Helena, and in addition to which there has been acquired by purchase sufficient land to make up a total of 1,790 acres, which said site is described as follows, to wit: Mineral entry No. 1900, situated in the southwest quarter of the southeast quarter of section 4 in township 10 north of range 4 west of the Montana principal meridian; the northeast quarter of section 9; the southeast quarter, the south half of the northeast quarter, the northeast quarter of the northeast quarter, the west half of the northwest quarter, and the southeast quarter of the northwest quarter of section 10; the southwest quarter of section 11; the west half of section 15; the east half of section 16; the southeast quarter of the southeast quarter

of section 17; the northeast quarter, the east half of the northwest quarter, and the northwest quarter of the northwest quarter of section 21; and the north half of the northwest quarter of section 22, all in township 10 north of range 4 west of the Montana principal meridian; and

Whereas there has been constructed upon the said site a large number of brick buildings of a permanent character, and there has been acquired in connection with the said site ample water facilities for irrigating and making productive said lands in the growing of grass, trees, shrubbery, vegetables, and other agricultural products, making a very attractive and useful piece of property; and

Whereas the said site and buildings have not been used by the War Department for the purposes for which they were acquired for a period of more than three years last past, and there does not appear to be at the present time any prospect for the immediate use of the said site for the uses of the War Department, and the buildings are decaying by reason of neglect and nonuse, and the grounds are becoming unsightly; and

Whereas the industrial accident board of the State of Montana, a department of the government of said State organized under the act of the legislative assembly of the said State providing for compensation to workmen injured in the industries of the said State, and providing for the administration of the workmen's compensation act, known as chapter 96 of the Session Laws of the Legislative Assembly of Montana for the Session of 1915, has recommended to the Legislative Assembly of the State of Montana now in session the establishment of an institution for the reeducation and rehabilitation of those unfortunates who have been partially or totally disabled by reason of accidents from pursuing their usual vocations or professions, and thereby giving to these unfortunate victims of industrial accidents an opportunity of becoming useful citizens rather than dependents upon the bounty of the State; and

Whereas there is not located in any of the States of the Union an institution of such a character, and an opportunity is here offered for commencing under the most favorable circumstances an experiment which would make possible the vocational reeducation of large numbers of persons injured in the industries of the State of Montana and the adjoining States:

Now, therefore, the honorable Senate and House of Representatives of the United States in Congress assembled are hereby respectfully memorialized and petitioned by the Senate and House of Representatives of the Legislative Assembly of Montana, duly assembled, to enact a law ceding to the State of Montana the above-described site, known as Fort William Henry Harrison, consisting of the tracts hereinabove described, the buildings thereon, the water rights, and all of the appurtenances thereunto belonging or therewith enjoyed, to be used by the State of Montana for the uses and purposes above outlined; and be it further

Resolved, That the secretary of state of the State of Montana be, and he is hereby directed to transmit to the Speaker of the House of Representatives of the United States and to the President of the Senate of the United States and to the Senators and Representatives of the State of Montana in Congress severally copies of this memorial.

Mr. HALE presented a petition of the Woman's Club of New Castle and Damariscotta, in the State of Maine, praying for the establishment of a department of education, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of the Lithuanian societies and political clubs of Scranton, Pa., praying for the independence of Lithuania, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the city council of Quincy, Mass., favoring the granting to honorably discharged soldiers, sailors, and marines six months' additional pay, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Building Trades Employers' Association of Boston, Mass., favoring the enactment of legislation for an appropriation of \$100,000,000 to help solve the unemployment situation by furnishing financial aid to States and municipalities for use on public works, which was referred to the Committee on Appropriations.

He also presented petitions of the faculty of Mount Holyoke College, of South Hadley, of sundry citizens of Lynn, Mass., and of the congregation of the First Congregational Church of Cambridge, all in the State of Massachusetts, praying for the establishment of a league of nations, which were referred to the Committee on Foreign Relations.

PENSIONS AND INCREASE OF PENSIONS.

Mr. WALSH, from the Committee on Pensions, to which was referred the bill (H. R. 14894) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 697) thereon.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN, from the Committee on Appropriations, to which was referred the bill (H. R. 14516) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920, reported it with amendments and submitted a report (No. 698) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HENDERSON:

A bill (S. 5557) to safeguard temporarily, by a license control of imports of potash, the interests of domestic potash pro-

ducers until trade conditions are readjusted; to the Committee on Mines and Mining.

By Mr. MARTIN of Virginia (for Mr. SMITH of Maryland):

A bill (S. 5558) authorizing the Secretary of War to donate to the town of Hagerstown, Md., one German cannon or field-piece; to the Committee on Military Affairs.

A bill (S. 5559) to provide for the erection of an addition to the post-office building at Baltimore, Md., for alterations to the present building and changes to the railroad entering same; to the Committee on Public Buildings and Grounds.

By Mr. McKELLAR:

A bill (S. 5560) to increase the cost of the public building at Memphis, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD:

A bill (S. 5561) to provide for the enforcement of prohibition during the war and the period of demobilization; to the Committee on the Judiciary.

By Mr. POMERENE:

A bill (S. 5562) for the relief of contractors and subcontractors for post offices and other buildings and work under the supervision of the Treasury Department; to the Committee on Public Buildings and Grounds.

RIVER AND HARBOR APPROPRIATIONS.

Mr. KING submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

THE COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE.

Mr. RANDELL submitted the following resolution (S. Res. 443), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Health and National Quarantine, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13308) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes.

Mr. BORAH. Mr. President, the amendment which I hope to have incorporated in the bill may be briefly stated as a repeal of the provisions of the two espionage acts relative to the power of the Postmaster General to exclude mail matter from the United States mail. The amendment which I shall propose does not seek to repeal any part of the espionage acts other than those provisions with reference to mail matter. I desire that to be understood, so that we may know precisely what we are dealing with.

As will be recalled, these two provisions, which are sections 1, 2, and 3 of Title XII of the act which was passed June 15, 1917, and section 4 of the act which was passed May 16, 1918, give power to the Postmaster General to exclude all mail matter from the mail which he deems to be in violation of the terms of the espionage acts.

Mr. President, this was passed as a war measure. I assume that no such act would have been proposed by the Congress except as a war measure. It is true that hitherto there had been some legislation with reference to the power of the Postmaster General to exclude certain mail matter from the mail, but no such power as is found in these acts had ever been proposed theretofore at any time in the history of our country.

The war, I take it, Mr. President, except in a most technical sense, ended when the President read to the Congress the terms of the armistice and announced by public proclamation, as it were, that the war was at an end and that these conditions, to wit, the conditions and terms of the armistice, rendered it impossible for Germany to renew the war. Now, while technically speaking it may be that a court would not hold that the war is concluded until actual terms of peace have been signed or imposed, yet so far as our domestic concerns are involved and so far as the treatment of our own people is concerned, I think we ought to consider the war to have closed upon the announcement of the President that it was at an end.

Mr. KELLOGG. Mr. President—

Mr. BORAH. I yield to the Senator.

Mr. KELLOGG. Will the Senator give us the sections he proposes to repeal?

Mr. BORAH. I have just stated them.

Mr. KELLOGG. I did not have the acts before me at the time.

Mr. BORAH. Sections 1, 2, and 3 of Title XII of the first espionage act and section 4 of the second espionage act.

Mr. President, these provisions of the espionage acts resulted in a complete censorship of the American press. In my opinion, if the Congress should ever assume to usurp the power to establish a censorship with intent to accomplish that thing there could be no more effective and successful method adopted than that of giving the Postmaster General certain powers with reference to the exclusion of printed matter from the mail.

When the espionage act was first before the Congress it provided specifically for a censorship, as it were, of the press, a thing which seemed almost incredible to be proposed. Nevertheless it was in the bill as it was originally reported. That was stricken out after long debate, but this clause, which had the same effect, remained in the bill. I stated upon the floor of the Senate at the time that if this clause remained in the bill it would mean just as complete a censorship as the clause which was intended to establish a censorship, and I take it that practice has demonstrated that that was a correct statement.

The way in which this results in censorship is this: If an article appears in a paper which the Postmaster General deems to be in violation of the espionage law, attention is called to the fact by excluding the paper from the mail. Immediately the editor or the publisher of the paper seeks consultation with the Postmaster General and secures from him an intimation or a guidance as to what shall thereafter appear in the paper and not be in violation of the law. That is a complete system of licensing the press. And under the broad terms of the espionage acts he could encompass the whole field of public opinion.

I desire, Mr. President, in discussing this matter to relieve it from mere personal criticism of the Postmaster General. It should be debated upon a different plane and upon a higher plane. No one could administer this provision without establishing what would be in effect a censorship of the press. It inevitably results in that. It rests with the Postmaster General to say how far he shall go. Naturally a man who has his paper excluded from the mails will seek consultation and guidance and permission from the man who has power to exclude it, and the result is that the Postmaster General or his representative becomes the absolute dictator and director of what shall appear from time to time in the publications throughout the country; and that has been the result of this law. I could cite numerous instances where newspapers were excluded from the mails, where publishers sought conversation and interviews with the Postmaster General, and where they returned to their publications with an understanding as to what would be agreeable to the Postmaster General. Could a licenser of the press execute his powers in any different or more effective way?

I am not now discussing the question as to whether this or that particular paper should have been excluded. I am simply calling your attention to the fact, in order that I may later direct your attention to the legal question, that this resulted in doing that which we as a Congress have no power whatever to do.

It not only resulted in establishing a censorship but it resulted in a very universal feeling throughout the country that it was not enforced with equal effect as to all people. I shall not stop to examine the evidence as to whether there was partiality or not; I do not care. But you can gather any amount of testimony from newspaper men and publishers in the country to the effect that this paper published things which were, in popular judgment, equally reprehensible with what that paper published, while this paper was permitted to go through the mails and that was excluded. I call attention to this to illustrate the fact that the freedom of the press can never be restrained or circumscribed by any scheme or any plan which the ingenuity of the human brain can frame which will be satisfactory to the great public either in its impartiality or in its justice and equity. There is only one rule after all these centuries of effort and experience, and that is that a man shall publish in the first instance what he choose, and then take the responsibility for the abuse of the privilege.

So, Mr. President, there has been in this country since the day and hour that Congress passed this act just as complete a censorship as that censorship against which Milton inveighed, and against which Charles James Fox and Erskine, the great minds of those days, battled so earnestly and finally so successfully.

Now, the war is over and the most serious questions which could possibly confront a people—domestic questions—are up for consideration. There is a belief that this censorship still obtains. I do not know what the opinion of the Postmaster General is; I do not know whether he regards it as closed or not; but there is a universal belief throughout the country that it is still in existence, and that the law may still be invoked. That belief results in the same hesitancy to discuss public ques-

tions in a frank, open, sincere, and candid way in some quarters as during the war.

Some might be willing to yield upon such matters in the exigency of war, but when peace has been restored and we are dealing with our domestic concerns, matters of supreme concern to the people at home, there ought not to be any restraint upon the minds of the American people in any way, shape, or form. People should be free to express themselves upon these questions without fear of censorship or without the fear of having their publications in any way restrained or interfered with.

So we are asking for the repeal of a law which, in my judgment, we had no power in the first instance to pass, a law which, if it be considered to have been valid by reason of being a war measure, that reason has passed, and a law which is still being invoked, at least in the minds of the people, to deal with a situation which relates only to peace.

Mr. THOMAS. Mr. President, would it interrupt the Senator from Idaho if I should ask him whether his purpose could be accomplished so long as the old law, with which the Senator is familiar, now upon the statute books remains there? I refer to the law which clothes the Postmaster General with the absolute and uncontrolled power of excluding whatever he pleases from the mails of the country, and from his decision there is no appeal, except it may be to the people at the next popular election. In other words, would not the continued existence of that old statute be amply sufficient to enable the Post Office Department to continue in practice the conditions from which the Senator would relieve the people by his proposed repeal of the espionage act?

Mr. BORAH. I think the old law is entirely too broad and drastic in its powers, but it is not to be compared with the law with which we are now dealing, in my judgment. If any such authority should be attempted to be exercised under that law it would necessarily lead some of us to insist upon its modification or repeal.

I want the Senate to bear with me for a few moments while I recall a legal proposition which is involved in this matter, which I think it well at least to consider as we pass along.

There is no proposition better established as a historic fact than the belief in the minds of the framers of the Constitution of the United States that they gave no power whatever to Congress to deal with the subject matter of the freedom of the press or of free speech. It was undoubtedly their belief that that was a matter which was left alone and exclusively to the States. That was the opinion as expressed by the men in the convention; it was the opinion of Mr. Hamilton and Mr. Madison, the principal authors of the Federalist; and it was repeatedly stated in the debates in the different State conventions with reference to the ratification of the Constitution. When the question was raised in the constitutional convention that there ought to be something more expressive with reference to the power of Congress prohibiting the Congress from dealing with the subject, it was stated upon the floor of the convention that it could not be necessary because no power was given to the National Congress or to the National Government to deal with it in any way.

Let me call your attention to a paragraph from Elliott's Debates:

Wednesday, September 12:

In convention: Dr. Johnson, from the committee of style, reported a digest of plan, of which printed copies were ordered furnished to the members.

Friday, September 14:

Mr. Pinckney and Mr. Gerry moved to insert a declaration "That the liberty of the press be inviolably observed."

Mr. SHERMAN. It is unnecessary. The power of Congress does not extend to the press.

On this question it passed, in the negative.

Referring again to Elliott's Debates, in the South Carolina convention, Gen. Lincoln wanted to know why this omission existed with reference to the limitation of the power of Congress over the press. He said:

The liberty of the press was the tyrant's scourge; it was the true friend and supremest supporter of civil liberty; therefore why pass it by in silence?

4. Elliott's Debates, page 314:

He was immediately answered by Gen. Pinckney, the very man who in the Federal convention moved such a clause, but whose motion was rejected.

And Mr. Pinckney said:

With regard to the liberty of the press, the discussion of that matter was not forgotten by the members of the convention. It was fully debated and the impropriety of saying anything about it in the Constitution clearly evinced. The General Government has no powers but what are expressly granted to it; it therefore has no power to take away the liberty of the press. That invaluable blessing, which deserves all the encomiums the gentleman has justly bestowed upon it, is secured by all our State constitutions; and to have mentioned it in our general Con-

stitution would, perhaps, furnish an argument hereafter that the General Government had a right to exercise powers not expressly delegated to it.

In the Virginia convention it was stated:

That, therefore, no right of any denomination can be canceled, abridged, restrained, or modified by Congress, by the Senate and House of Representatives, acting in any capacity, by the President, or any department or officer of the United States, except in those instances in which power is given by the Constitution for that purpose; and that, among other essential rights, the liberty of conscience and of the press can not be canceled, abridged, restrained, or modified by any authority of the United States.

I am not going to take the time of the Senate to go further into this matter, but it was clearly the understanding of the framers of the Constitution and of the ratifiers of the Constitution that the National Government was given no power whatever to deal with this subject.

Then, Mr. President, how did it occur that the first amendment to the Constitution was adopted? It is just as thoroughly established as a historical fact that it was adopted because of the possible doubt that in certain emergencies silence might be construed into the power to deal with this subject matter. Mr. Jefferson and Mr. Madison said that the silence which obtains with reference to this matter may give rise to argument and power will seek to be inferred from certain other powers in the Constitution. Therefore, in order that no inference may be drawn from any power granted in the Constitution, it should be expressly prohibited by specific amendment to the Constitution. So the first amendment to the Constitution was adopted, which I thought I had before me, but which, as Senators will all recall, provides that Congress shall have no power to pass any law respecting an establishment of religion or the abridgment of the freedom of the press or of speech. Of course, I am not quoting it with exactness, but it provides that Congress shall have no power to pass any law in regard to, concerning, or relating to this subject matter.

Mr. STERLING. Mr. President, the Senator from Idaho, I think, perhaps puts a wrong interpretation upon that provision of the Constitution. The Constitution says that Congress shall pass no law, as I remember, respecting religion, nor shall the freedom of speech or of the press be abridged. It is something like that.

Mr. BORAH. Here is the exact language:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

This amendment was adopted because of the belief of such men as Mr. Jefferson that, unless there was a more specific declaration, it might be said to be established as a matter of inference from other powers which were granted to the Congress. I call your attention to the language of Mr. Hamilton in the Federalist on this particular subject, which shows clearly what they had in mind. In No. 84 of the Federalist Mr. Hamilton says:

Bills of rights, in the sense and to the extent they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. * * * Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming that power.

The argument of Hamilton was that as no power was given to Congress to deal with the subject matter in any way, why adopt a bill of rights which might give rise to the argument that Congress had a regulating power?

Mr. Madison, in the famous report upon the Virginia resolution, says:

Some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press. It has accordingly been decided, by the practice of the States, that it is better to leave a few of its noxious branches to their luxuriant growth than by pruning them away to injure the vigor of those yielding the proper fruit. And can the wisdom of this policy be doubted by anyone who reflects that to the press alone, checked as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression; who reflects that to the same beneficent source the United States owe much of the lights which conducted them to the rank of a free and independent Nation and which have improved their political system into a shape so auspicious to their happiness.

Whatever weight may be allowed to these considerations—

Referring to certain arguments which had been made—the committee do not, however, by any means intend to rest the question on them. They contend that the article of the amendment, instead of supposing in Congress a power that might be exercised over the press, provided its freedom was not abridged, meant a positive denial to Congress of any power whatever on the subject.

It may be said, Mr. President, that this law with which we are dealing to-day does not in terms attempt any censorship of

the press or in any way abridge its freedom, and that, as it is upon its face fair and equitable, simply giving to the Postmaster General the power to exclude from the mails, it is not unconstitutional; but I have called attention to the fact that the result of the law in its execution and administration has been to establish a censorship as a practical fact. I apprehend that that can scarcely be denied. Is there any Senator here who does not know of newspapers whose policies were modified, whose position was changed by reason of the fact that they had their interviews with the Postmaster General?

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. SHERMAN. I know of newspapers whose managers and editors were informed—and the papers were afterwards excluded from the mails—that their editorial policies and expressions of opinion should be changed in conformity with some advice received from the Executive or from a representative of the Executive; and when they supported the policies of the administration in a political and administrative way they were restored to their postal privileges.

Mr. BORAH. Mr. President, as I said a moment ago, that is the inevitable result of the administration of this kind of a law.

Mr. OVERMAN. Mr. President, I wish the Senator would let us know what newspapers he has in mind. We are investigating this matter now, and a witness before our committee last week stated that there was a propaganda on the part of the Bolsheviks to repeal this legislation.

Mr. BORAH. Mr. President, I know the Senator from North Carolina so well and like him so well that I will not permit myself to be insulted by that kind of a remark.

Mr. OVERMAN. I love the Senator from Idaho; there is no one of whom I think more highly; he and I are very good friends, and always have been. I was merely stating what is happening in our committee—not that the Senator is responsible, for he has always stood where he stands now, and when the espionage bill was before the Senate two years ago he made a very able speech against it, taking the same ground he is taking now. So I could not have referred to him. I repeat that I am merely stating what is happening.

The Senator spoke of certain newspapers. When the president of the newspaper fraternity of this country was before our committee he said they were coming and trying to get him to advocate in the newspapers of this country the repeal of this legislation. That does not refer to the Senator. There is no better, abler, or more patriotic man in this country. I have been associated with him on committees. I know his patriotism and his love of his country; and there is no criticism of him on my part.

Mr. BORAH. Mr. President, I do not care how many Bolsheviks or who advocates the repeal of this law; it does not modify my position either with reference to advocating this or with reference to making me more zealous one way or the other. I simply know, as Mr. Madison says, that while there may be evils connected with the complete freedom of the press, they are infinitely small and of infinitely inconsequential effects as compared with the evil of a censored press.

If we must deny the liberty of the press, if we must deny freedom of speech, if we must change the whole structure of our republican institutions and deny the guaranties of the charter of 100 years, in order to deal with conditions in this country, we have already reached the point where free institutions have passed as an effectual fact in the administration of public affairs.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. VARDAMAN. Will the Senator yield to me to make this observation—that if the Bolsheviks or the Socialists are advocating the repeal of this un-American and undemocratic law they are rendering a greater service to America and to liberty than the autocrat or the plutocrat who opposes the repeal of the law.

Mr. OVERMAN. I have no doubt there are a great many Bolsheviks who feel just like the Senator does.

Mr. BORAH. Mr. President, I think we may deal with this matter according to the well-established principles of free government, without being diverted from our faith and our convictions through the propaganda either of those who are in favor of it or those who are against it for purely selfish ends.

Now, I am frank to say that I would rather risk restoring sanity and patriotism and established order in this country

through a complete and frank and open and sincere discussion of all questions than by undertaking to repress the views of any particular faction or any particular community. All of us who have looked into the pages of history know something of how utterly fruitless is the effort to direct men's thoughts and views through a system of arbitrary repression. Where truth is permitted to have free sway, error will finally be driven from the minds of men.

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I do.

Mr. KELLOGG. I just want to ask a question. Section 2 of the provision which the Senator seeks to repeal, as I understand, provides that every letter, writing, circular, postal card, and so forth, advocating or urging treason, insurrection, or forcible resistance to the laws of the United States is declared to be nonmailable. If that is repealed, will there be any statute now in existence to prevent the mailing of matter urging treason?

Mr. BORAH. There is a statute, with which the Senator is familiar, which enables the Postmaster General to exclude mail matter from the mail—an old statute, which, I think, is entirely too broad.

Mr. LODGE. Has the Senator that statute there?

Mr. BORAH. I have not it here.

Mr. KELLOGG. I am unable to find any statute that goes that far.

Mr. BORAH. The Senator from Colorado [Mr. THOMAS] called attention to it a few moments ago, and he may have it before him; I do not know.

Mr. THOMAS. No; I have not. I had some experience with the department some time ago under the provisions of the statute, but I am unable to refer the Senate to the volume of the Statutes at Large containing it. I know there is such a law. If there is not, the Postmaster General certainly has been exercising extraordinary power without any statute.

Mr. BORAH. There is an old law. I do not know just what its terms are, but I presume they are not broad enough or they would not have insisted upon the passage of this law.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I do.

Mr. LODGE. I think that is a very important point. I have never liked these laws which have led to censorship, as the Senator knows. I think they have been abused. I think things have been done that ought not to have been done, and things have been omitted that ought to have been done; but section 2 seems to me to go entirely outside the question of freedom of speech. It is matter advocating treason, insurrection, or forcible resistance to the laws of the United States. We stop fraudulent circulars in the mails now under our general law. I do not think freedom of speech can possibly be interpreted to mean freedom to advocate resistance to the laws, or treason, or insurrection.

Mr. BORAH. Mr. President, does the Senator believe that the way to control this matter is to place it arbitrarily in the hands of an individual? We have juries and we have laws by which to enforce and protect these general provisions of law. We have a method by which to try to arrive at the question of whether a particular matter is treasonable or not. But does the Senator from Massachusetts or any other Senator want to say that the Postmaster General shall determine whether or not an article that I write is treason? Shall I or any other citizen wear the brand or stigma of treason if a single individual without hearing, if he so elects, choose to declare me or my publication disloyal? The old star-chamber trials were more humane and respectable than that.

Mr. LODGE. No; I do not like that at all.

Mr. BORAH. That is what I am complaining of.

Mr. LODGE. But have we any law that meets such cases, and is the United States Government bound to carry in its mails circulars or anything you please advocating resistance to the laws and the overthrow of the Government? I do not think the United States is bound to do it; and if a man is wronged by being excluded by the Postmaster General the courts are open to him.

Mr. BORAH. I ask again, is the Senator willing to have it determined behind closed doors, by the counsel of a Cabinet officer and by his legal adviser, without anybody having an opportunity to meet the charge that he is guilty of treason?

Mr. LODGE. No; I am not prepared to have it finally decided there, but I would give him the same relief that the Senator

would give the community. I would let him take it before a jury.

Mr. BORAH. Yes; exactly. I am not asking to repeal the espionage act. That is a different proposition. I am asking to take away the arbitrary power to say that a communication which I make is treason.

Mr. SHERMAN and Mr. KELLOGG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield, and if so, to whom?

Mr. BORAH. I yield to the Senator from Illinois.

Mr. SHERMAN. I ask the Senator from Idaho if it would not be just as sensible, if I should make a speech on a platform, for the Director of Railways to say that I could not purchase a railway ticket until I had revised my power of free speech; or a grain merchant might be refused a license to transact business by the Food Administration, or a milling company. It is the specific character of the offense decided behind closed doors in the absence of a judicial hearing that I understand the Senator is criticizing.

Mr. BORAH. Precisely so.

Mr. SHERMAN. And I am in sympathy with that criticism.

Mr. BORAH. We are not here advocating the right of people to preach treason or violence; but we are advocating that this shall be determined according to the well-established principles of Anglo-Saxon civilization.

Mr. LENROOT and Mr. KING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield, and if so, to whom?

Mr. BORAH. I yield to the Senator from Wisconsin. Then I will yield to the Senator from Utah.

Mr. LENROOT. I want to ask the Senator whether or not the amendment he will propose is the same as that of which he gave notice on January 31?

Mr. BORAH. Yes.

Mr. LENROOT. Then I want to ask the Senator whether, so far as the powers of the Postmaster General are concerned, they are not confined to section 1 of the act of June 15, 1917, and section 4 of the act of May 16, 1918?

Mr. BORAH. I think they are.

Mr. LENROOT. Then I want to ask the Senator why sections 2 and 3 of the act of June, 1917, should be repealed, section 2 declaring letters, writings, and so forth, advocating or urging treason, insurrection, or forcible resistance to any law of the United States to be unmailable, and section 3 providing punishment in the courts for violation of that statute?

Mr. BORAH. Section 3 perhaps should not be repealed, upon that statement; but if section 2 stands, of course the Postmaster General determines that it is nonmailable.

Mr. KING and Mr. KELLOGG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. KING. Perhaps this is not quite germane to the Senator's discussion; but if he will pardon me, I should like to invite his attention to the fact that we have laws now which devolve upon the Postmaster General the power to exclude from the mail lewd and lascivious publications, publications which are in their nature fraudulent, or calculated to commit or perpetrate frauds, and publications in the interest of lotteries. The Postmaster General has to exercise a discretion. He may do it behind closed doors. The Supreme Court of the United States in a number of cases, starting with the case of *Ex parte Jackson*, and, indeed, prior to that time, have upheld the validity of statutes of that character; and, as was pertinently said by the Senator from Massachusetts, the Government of the United States clearly is entitled to exclude from the mails deadly matter assailing the integrity of the Government, and it is no infringement of the right of free speech.

Mr. BORAH. Mr. President, the case of *Ex parte Jackson* also held that if this power which was granted to the Postmaster General went so far as in any way to embarrass the freedom of the press it was void.

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. KELLOGG. I find that section 479—I suppose of the Revised Statutes—reads as follows:

Unmailable matter includes all matter which is by law, regulation, or treaty stipulation prohibited from being transmitted through the mails.

Then follow a lot of designations of what unmailable matter shall be—among others, obscene matter, libelous matter, indecent matter, lottery matter, fraudulent matter—and then there is a specific statute against mailing obscene, lewd, or

lascivious matter. Now, does the position the Senator takes include—I mean in principle—the repeal of those statutes?

Mr. BORAH. Mr. President, I am very frank to say to the Senator that I think that law is entirely too broad. I am utterly opposed to lodging in any administrative officer the power to say that this or that publication is in violation of his regulations. I think there ought to be a different way to determine it. There ought to be an impartial tribunal where an open hearing can be had.

Mr. KELLOGG. How would you determine whether matter should not be mailed?

Mr. BORAH. In the first place, I would make it a law that a person should not mail such literature as was lewd or lascivious. If he did, I would arrest him, try him, convict him, and send him to the penitentiary, the same as if he committed any other crime.

Mr. KELLOGG. Of course it might be possible, under such a law as that, to send out vast quantities of such matter in the mail, with no way of stopping it except prosecution. The stuff would go out and go into the hands of the people.

Mr. BORAH. That does not follow at all. A man does not send out very much mail when he is behind the bars. He does not send out very much literature when he is in the penitentiary.

Mr. KELLOGG. Sometimes it takes a good while to get him there.

Mr. BORAH. Very well, unless the Senator wants to dispose of our system of jury trials entirely. If he believes in that theory, of course I have no argument with him.

Mr. KELLOGG. I do not. I simply want the Senator's view as to whether there should be any statutes at all providing for nonmailable matter, other than the statutes prohibiting the sending of such matter through the mail and providing for prosecution in the courts for a violation of the statute. That is the question I wanted to ask the Senator, because it seemed to me that if this should be repealed entirely we should repeal the other statute also, because it is based upon the same principle.

Mr. BORAH. I would be very glad to have the Senator offer that as an amendment to my amendment. I am dealing with a specific situation, with which the Senator from Minnesota and all other Senators are perfectly familiar.

Mr. OVERMAN. Will the Senator yield to me?

Mr. BORAH. In just a moment. We know to what extent this power in the two espionage acts has been used. We know to what extent that power has been carried, and, in my judgment, it has resulted as inevitably results from an attempt to enforce that kind of a law.

Mr. President, some time ago there was brought to me a publication which had been excluded from the mail. I went through that publication from one cover to the other, and I declare that it was impossible for me to find anything which, to my mind, indicated the slightest disloyalty, the slightest desire to embarrass the Government, or that was in any way an infringement of that act. I am quite sure that I entered upon the investigation without any prepossession one way or the other, and I was utterly unable to determine upon what proposition it had been excluded from the mail. I could not even select the article which, in my judgment, was the one upon which they in all probability relied, and yet it was excluded from the mail.

Mr. President, suppose that matter had been brought to the attention of 12 impartial men or to some impartial tribunal, would it not then have been more in accordance with justice and equity and fair play and good conscience in the administration of affairs than to lodge the power in a man to say, "I exclude it. I do not need to give any reason. It does not suit my taste, therefore it goes out."

The Senator from Minnesota and the gentlemen who are contending for this proposition are contending for that kind of a power.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Will the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BORAH. I yield.

Mr. KNOX. I wish to ask the Senator a question, and I want to say a word or two in preface to it. If the Senator from Idaho is willing, I will take his time to that extent.

I doubt somewhat whether the legal proposition which the Senator from Idaho has so clearly discussed is really involved, if I understand the position of the Senator from Idaho. There is a whole lot of difference, in my judgment, between freedom of the press and the right to have particular things carried through the mail and difference between freedom of speech and the right to have things printed and carried through the mail.

Mr. BORAH. I agree with the Senator.

Mr. KNOX. I understand the Senator's position to be that he has no objection whatever to passing the most drastic law prohibiting transmitting through the mails treasonable matter—none whatever.

Mr. BORAH. None whatever.

Mr. KNOX. His point is that the question as to whether or not it is treasonable is a risk that is to be taken by the person who puts it in the mail, and that if it is treasonable that question is, like any question under a penal statute, to be determined by a jury on indictment for a violation of the law. Is that a correct statement of the Senator's position?

Mr. BORAH. That is my position.

Mr. KNOX. Then is it not true that we are not called upon here to pass on the constitutional question urged in the early part of the Senator's remarks?

Mr. BORAH. Only in this way: The administration of this law has unquestionably resulted in effectuating that which we have no power to effectuate, and that is a censorship of the press. In other words, Mr. President, if under this authority, arbitrary as it is, I have the power to call the Senator from Pennsylvania, who may be a publisher, to the city of Washington and say to him, "You can not put your publication through the mail except you conduct your editorial page along this line," it results in the establishment of a censorship, which we have no power to do.

Mr. KNOX. Exactly so; and do you not accomplish all you want by repealing the fourth section of the act of May 6, 1918? That is the section which gives the Postmaster General the right to determine the character of the publication. In my judgment, if I understand the Senator's position, he does not need necessarily to repeal the provisions of the second and third sections of the act of June 15, 1917, because those sections only create the prohibition and provide for the punishment.

Mr. BORAH. Truly, if that be the construction of the Senator, I will agree with him. What I want by this amendment, and I am perfectly willing to shape the amendment to that effect, is to take away the power of the Postmaster General to determine whether this or that publication comes within the purview of the espionage act. I want that determined by a different tribunal, where the man who is charged may be heard.

Mr. KNOX. I will go with the Senator that far; but I do not want by my vote to repeal the provisions of an act which makes the circulation of treasonable matter through the mail an offense, and I do not think the Senator from Idaho wants to do that, either.

Mr. BORAH. Precisely; not if the fact is to be established by the proper tribunal.

Mr. KNOX. Let it be like any other crime. Take the crime of larceny or embezzlement or forgery, and all that sort of thing. We have to determine the specific act, and I have got to take the risk whether my specific act comes within the definition of the statute. If I am charged with having violated that law, of course I am entitled to a trial by jury.

Mr. BORAH. If that is the construction to be put upon sections 2 and 3, I will agree with the Senator at once. If section 1 of the first espionage act and section 4 of the second act accomplish the thing which I desire, to wit, the taking away from the Postmaster General the power to determine as to what kind of a publication it is, that is all I desire with reference to this matter. I now yield to the Senator from North Carolina.

Mr. OVERMAN. I was going to ask the Senator with reference to his remedy as to sending treasonable matter in the mails. Much of this treasonable matter, which is absolute advocacy of Bolshevism, their catechisms, their constitution, and their powers, comes from foreign countries. You could not indict a foreigner for sending that matter through the mails. What could we do in that case?

Mr. BORAH. I do not suppose that we could indict a foreigner, and I do not state offhand just how we would deal with that. But let us deal with the home people; give them back their right to free speech and a free press, and then we will take up the foreigner.

Mr. President, the Senator from Pennsylvania [Mr. KNOX] has called attention to the fact, as he understands the provisions of the law, that sections 2 and 3 simply define the crime and provide for the punishment, and that you would proceed the same as you would if a party was charged with larceny or any other crime. I have no desire whatever to interfere with that kind of a provision, and if I could be satisfied that that is the effect of those sections I would be glad to eliminate them from my amendment. I certainly have no desire to make it possible for a party to send treasonable matter through the mail without any means of punishment provided for it at all. I have no desire to accomplish that, but I do desire that a jury shall determine whether or not he is guilty of that offense. If not

a jury, then an open, impartial tribunal with the right to be heard and to call witnesses.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. BORAH. I yield.

Mr. McCUMBER. Take the situation in this country at the time we entered into the war, in April, 1917, when immediately treasonable utterances were made by individuals and by the press and their circulation as begun throughout the country. Would the Senator have no means, no power, given to anyone to prevent the circulation of treasonable tracts before the person uttering them and publishing them could be arrested and tried and convicted? It takes quite a little time before you can try a man.

Mr. BORAH. But the Senator is begging the question. The Senator says "treasonable matter." I want some one to determine that it is treasonable matter, and I do not want that determined by any star-chamber proceeding.

Mr. McCUMBER. But would not the Senator acknowledge the fact that the imprisonment of the individual uttering treasonable words or publications would be nothing compared with the great damage that might be done to the country by filling the homes of the people with treasonable and false statements as to the attitude of the country? How would the Senator meet that emergency?

Mr. BORAH. That might be true; but in comparison with the evil which the Senator speaks of I think the evil of suppressing open, candid discussion of all public questions is infinitely greater than the evil of which the Senator speaks.

Mr. McCUMBER. But the latter is an abuse privilege, not a lawful carrying out of the intent of Congress.

Mr. BORAH. The Senator gets away from the proposition I am interested in, and that is the question how we shall determine whether or not it is treasonable matter. Is the Senator willing to have the question of crime determined in this country by an individual who need not call a single witness, who may be satisfied with his own opinion as to the article and take no evidence and hear no party who is charged?

Mr. President, I know of cases—and I suspect the Senator does—where papers have been excluded from the mail and men punished, as far as you can punish men without actually sending them to the penitentiary, their business destroyed, when perhaps the only man who thought it was treasonable matter or matter which ought not to go through the mail was the Solicitor of the Department of the Post Office.

Mr. McCUMBER. If the Senator will allow me, I certainly agree with him fully that the trial should be by a jury; that no man, of course, can be convicted until he has been indicted and tried by a jury; but nevertheless I can not find myself in exact accord with repealing the authority to stop a contagion before you can have the trial.

While I admit, and, as the Senator knows, I think, we all must admit, that the power has been grossly abused, nevertheless it does seem to me that there ought to be some power that could protect the mails against this nonmailable matter before it would be possible to try the accused individual.

Mr. BORAH. The Senator can only resort, then, to arbitrary power to do that.

Mr. McCUMBER. I admit it must be more or less arbitrary.

Mr. BORAH. There is where the Senator and I never would agree. The Senator says this power has been grossly abused. I do not believe that this power has been grossly abused. I think the execution of this statute as we have had it is the inevitable result of lodging that kind of a power in any human being. It has been exercised in the same way that just such arbitrary power has always been exercised when it has been given to individuals. I am perfectly willing to state that it is my candid opinion that Mr. Burleson has not consciously and knowingly and willfully abused this power. If the Senator thinks that he has, that is altogether a stronger argument for my position, because we are lodging in a man who is willing, with full intent and purpose, to injure a fellow citizen a power which enables him to do it beyond compensation to that citizen.

But I am assuming to-day that he has exercised it as almost any ordinary individual would exercise it. You might put a man in the Post Office Department who was utterly opposed to any such principle, who would not execute it at all. I concede that; but a man who believes like the Senator does that arbitrary power is justified would exercise it just as the Postmaster General has done in this case.

Mr. McCUMBER. If the Senator will allow me, I call his attention to the fact that we have been granting that arbitrary power—and I do not yet find how we can escape it in all cases—in the matter of sending out obscene literature and in the mat-

ter of what is a fraud upon the public. I do not know that heretofore it has been greatly abused. I wish there was some way by which we could meet the evil without putting it first in the power of some person to guard the mails of the Government, so that the Government itself will not be compelled to carry in its mails the things which it has prohibited from being published or sent.

Mr. BORAH. When the Senator speaks of obscene literature, of course that is beside the question, but the literature which is in the Senator's library and in all our libraries, the best literature which is in our libraries, was once excluded from circulation and from public attention by some censor, some poor miserable finite being who thought he could chain down human thought.

Mr. President, I want to read an extract here from the famous fight in the English Parliament for free speech and a free press by Charles James Fox. This same matter was fought out by the English Government in the years in which our Constitution was being framed. Mr. Fox said:

It has been truly said that no passion is so calculated to harden the heart, and to make it sanguinary, as great fear; and accordingly we find that the most inhuman tyranny has always had its foundation in the hearts of those whose actions condemned them to incessant terror. * * * It is a manifest axiom in a popular government that man has the fundamental right to state his opinion. * * * What deplorable ignorance of the human heart to think that by a mere convention bill to prevent the meetings without redressing grievances they could make men forget by making them silent! * * * If you prevent a man who feels himself aggrieved from declaring his sentiments, you force him to other expedients for redress. * * * In proportion as opinions are open they are innocent and harmless. Opinions become dangerous to a State only when persecution makes it necessary for the people to communicate their ideas under bond of secrecy. * * * You tell the people that when everything goes well, when they are happy and comfortable, then they may meet freely, to recognize their happiness and pass eulogiums on their government; but that in a moment of war and calamity, of distrust and misconduct, it is not permitted to them to meet together, because then, instead of eulogizing they might think proper to condemn ministers. What a mockery is this! What an insult to say that this is preserving to the people the right of petition! To tell them that they shall have a right to applaud, a right to rejoice, a right to meet when they are happy, but not a right to condemn, not a right to deplore their misfortunes, not a right to suggest a remedy! * * * If you mean that freedom is not as conducive to order and strength as it is to happiness, say so. * * * Liberty is order, liberty is strength. The progress of liberty is like the progress of the stream; it may be kept within its banks; it is sure to fertilize the country through which it runs; but no power can arrest it in its passage; and shortsighted as well as wicked must be the heart of the projector that would strive to divert its course.

Mr. Fox says when you compel men to communicate their ideas and their views in a secret, clandestine way, through actions which bind them closer together and give them a feeling of being martyrs to their cause, it is calculated to accentuate their efforts rather than to lessen them. I am one of those who believe that a vast amount of strength is given to a bad cause by undertaking to destroy it by purely arbitrary and unjust methods.

Mr. Fox said in another speech:

Speech ought to be completely free, without any restraint whatever, in any government pretending to be free. By being completely free I do not mean that a person should not be liable to punishment for abusing the freedom, but I mean freedom in the first instance.

That is the test, Mr. President. Fix the law so that the man who publishes his paper and advocates treason takes the responsibility and answers to the properly established laws and tribunals for its abuse, but do not place in the hands of a particular individual the power to say in advance that this is treason, because it may not be treason at all.

Mr. WATSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I will yield to the Senator in just a moment. What I mean is that any man may write and print what he pleases, although he is liable to be punished if he abuses that freedom.

Now I yield to the Senator from Indiana.

Mr. WATSON. Is the Senator from Idaho willing to have sections 2 and 3 stand, and to strike out section 4? It seems to me as though there is a manifest distinction between those clauses.

Mr. BORAH. I have already stated that I am perfectly willing to strike out those sections if, upon examination, when I have a little time to look into it after I close my remarks, I find that they bear the construction which the able Senator from Pennsylvania [Mr. Knox] has placed upon them.

Mr. WATSON. I remember when the conference report was brought back on the espionage bill—that is, the amendment to the espionage bill—with section 4 in it. A part of it had been passed by the House, but no part of it had been passed by the Senate, and it was put in by the conference committee. I recall that there were five of us here who voted against the adoption of

the conference report because section 4 had been incorporated. I regarded it then as essentially bad, and I do so now. I shall vote to strike out that section, but I do not believe that the others should be stricken out.

Of course, it is a question always as to whether arbitrary power will or will not be abused. We have been granting arbitrary power to the President and to heads of departments, and it seemed to me as if there were then a necessity to do it; but it is a grave question with me now as to which is the greater evil—whether to confer upon the Postmaster General an arbitrary power to exclude mail that, in his judgment, is treasonable, which would sow dragon's teeth or scatter seeds of discord throughout the country, or to take the other horn of the dilemma. Either seems to me to be an evil, and especially so if the Postmaster General is disposed to grossly abuse his power.

Mr. BORAH. Oh, Mr. President, let us not talk about grossly outraging arbitrary power. Why do you grant arbitrary power? If you grant arbitrary power, you expect a man to use it in arbitrary fashion or you would not grant it. It ill becomes the Congress of the United States to complain of the use of the arbitrary power which Congress itself grants. It is fundamentally wrong.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield.

Mr. LENROOT. I want to call the Senator's attention to the construction given by the Post Office Department as to its authority over unmailable matter.

Mr. BORAH. Very well.

Mr. LENROOT. So that, if sections 2 and 3 are omitted from the bill, I am inclined to think that the Postmaster General still would have the power over unmailable matter. Section 38 of the regulations provides:

All undeliverable and unmailable matter, domestic and foreign, shall be forwarded by postmasters and other employees of the Postal Service to the Fourth Assistant Postmaster General.

And so on.

Mr. BORAH. Mr. President, I want to call attention to a decision of the Supreme Court of the United States with reference to the effect of granting arbitrary power; that although a law may be valid upon its face, yet if the power is to be exercised in an arbitrary way it renders the statute void, not because it is void by its express terms but because as a result of its execution it results in the exercise of arbitrary power. This is the case of *Yick Wo* against Hopkins, in 118 United States. This was an ordinance which, upon its face, was held to be valid. The court says:

The power given to them is not confided to their discretion in the legal sense of that term, but is granted to their mere will. It is purely arbitrary, and acknowledges neither guidance nor restraint.

That is a complete description of the powers given to the Postmaster General under this law. The beginning and the end of it is his will; there is no restraint upon him in any way by reason of the terms of the law. Then the court says:

Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.

Mr. President, this law has been administered and could be administered in no other way than at the mere discretion and will of the Postmaster General. Congress granted the unlimited and arbitrary power to exclude from the mails whatever matter he should think should be excluded. We have no restraint, no guidance established, no rules fixed in the statute. It rests with him alone.

I do not want to be understood as advocating the right of anyone to spread literature advocating force or violence or treason. I simply want the man who advocates force or violence or treason to be tried and convicted and punished according to the established principles of Anglo-Saxon jurisprudence.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BORAH. I yield.

Mr. KNOX. I am in sympathy with so much of what the Senator from Idaho has been saying that I do not want even to appear to be in antagonism by asking a question. The Senator has just now placed great emphasis upon the fact that it is the vesting of arbitrary power. It does not strike me that that is quite the proposition. It is not the vesting of arbitrary power, but it is the vesting of arbitrary power in this kind of a situation. I take it that there must be arbitrary power over the instrumentalities of the Government in many instances, particu-

larly in the post office. We provide that certain things are nonmailable; infected meats are nonmailable; explosives are nonmailable. It would defeat the very purpose of the law if somebody had not the arbitrary power to say, "This piece of meat is infected," or "This is an explosive and will endanger the lives of the people who handle the mails." But when you come to deal with a matter through which the public opinion of the country would be controlled, I follow and agree entirely with what the Senator has said. For that reason I remarked a few minutes ago that perhaps his legal proposition is not necessary in order to accomplish his end.

Mr. BORAH. Mr. President, of course I shall be glad to have the support of the Senator from Pennsylvania whether he agrees with me in my argument or not. Before the amendment comes to a vote I shall likely ask permission to strike out sections 2 and 3.

Mr. STERLING. Mr. President, would not the Senator from Idaho also strike out section 1 from his proposed amendment as well? Section 1 simply relates to the provisions of the act, and the act itself defines many offenses against the Government. It is to prevent the carrying through the mails of matter that would help in the consummation of crimes defined in the act.

Mr. BORAH. Does the Senator have reference to section 1 of title 12?

Mr. STERLING. Yes, sir; to section 1 of title 12.

Mr. BORAH. I shall take that into consideration, and, if I do not ask to strike it out, perhaps the Senator may do so. We can have a test upon it in that way.

The PRESIDING OFFICER. The Senator from Idaho has a right to modify his amendment.

Mr. BORAH. I shall not do so at present, Mr. President, but perhaps may do so later.

Mr. NELSON. Mr. President, I only intend to take the time of the Senate for a few moments, and it is not my purpose to enter into any discussion of the constitutional question which the able Senator from Idaho [Mr. BORAH] has presented to the Senate.

My view of the case is this: The Government of the United States has the inherent power of self-preservation, and it possesses whatever power is absolutely necessary for its protection and safety, whether in time of war or in time of peace. Such power is inherent in it in the very nature of its sovereignty.

In the next place, the question involved here is not directly the question of the freedom of the press; it is a question whether vicious publications that are endangering the safety of the country shall have the free use of the mails. It is no remedy in such cases to say that the guilty one can be punished after the offense has been committed.

I wish to call the attention of the Senate to one fact of criminal justice as old as the common law itself, and that is that there are circumstances under which it is not necessary to wait until an offense has been committed, but steps may be taken beforehand to prevent the commission of the offense. From time immemorial, as far back as the common law extends, it has been the practice that where a man threatens the life or the property of another person he can be brought into court and compelled to give bond for his good behavior; in other words, the common law conceived that it was better and wiser to prevent an offense being committed than to wait until the offense had been actually committed and then punish the guilty one. In the cases which have arisen in our country and which are still arising—and I shall refer to them by and by—it would be a poor relief to say, "You can prosecute a man and put him in jail," while in the meantime the poison he is producing circulates through and permeates the whole community. The mere imprisonment of the culprit constitutes no complete or full remedy.

Mr. President, we need now, even more than we did during the days of the war, legislation to protect the people of the United States against the circulation of dangerous literature through the mails. Evidence has been brought before the investigating committee of the Senate that emissaries from the Russian Bolsheviks, furnished with money from that country, have come over here to preach the Bolshevik propaganda in our own midst. I have in my hands here—

Mr. BORAH. Mr. President—

Mr. NELSON. I will ask the Senator to wait until I make my statement complete, and then I will gladly yield to him. As an illustration, I have in my hand [exhibiting] a Bolshevik publication entitled "Hunger." It is the first issue, and came out a short time ago in the city of Minneapolis, in the State of Minnesota. I wish to quote from that paper the first paragraph, as follows:

"Russia," Germany, the Argentine Republic, are the great countries where "Bolshevism" is going through the first stages of its growth. A child, a baby born by the "great world war," and by its growth astonishes its best friends.

Two years is only a short day in the life of a great world power. But already this "enfant terrible" is the talk of the whole globe—in the kingly palaces of Europe, at the "Versailles peace table," deep in the bowels of the earth, at the clubs of the "American war millionaire," among the hungry and the homeless who walk the streets in search of food.

In the plateaus of the "Himalayas," in the "Oases of the Sahara," on board the ships that ply the great waters—north and south, east and west—everywhere "Bolshevism" is the standing topic.

If the baby causes a stir, what will the man do?

I will ask to have this document inserted in the RECORD, but as a further illustration of the character of this publication I will quote the following paragraphs:

O, RUSSIA!

O, Russia,
To thee I sing,
Whose freedom came
Not through laughter, wine,
Nor voluptuous woman's glands:
O, no! Thy freedom came
Through prison cells and
From Siberia's most farthest mines.

WHAT'S TO BE DONE.

One hundred million dollar appropriation to stop the westward march of "Bolshevism" is the request of Mr. Wilson to the Senate of the United States; as if dollar appropriation could stem the tide of a "world power."

And now comes Senator KENYON, who says: "We have appropriated \$100,000,000 for Europe's hungry, do we refuse to appropriate a like amount to keep Americans from going hungry?"

Where is our boasted prosperity, always so loudly proclaimed and so intimately suggested by our two-penny trumpets, the capitalist press?

I wish to read another interesting paragraph from this publication, which is entitled "Birth control."

BIRTH CONTROL—HELP THE UNITED STATES TO CATCH UP WITH THE TIMES.

Save the babies from being born only to die.
Save the mother's strength for only those babies she wants, and no more.
Save the father's money for only those children he can support, and no more.

Save human vitality for the betterment of the race.
Join the National Birth Control League.
How much longer will the people of the United States permit their country to be the most backward and ignorant of all of the large nations on this vital question of race conservation?

The United States has the disgraceful distinction of being the only large country in the world which declares this knowledge to be a crime.

Join the National Birth Control League and help change the laws and establish clinics and get contraceptive information properly circulated.

Send your contribution to the National Birth Control League, 200 Fifth Avenue, New York City, or address the editor of "Hunger," who will gladly give all information about the National Birth Control League.

As I have said, this publication is printed in red—the color of the anarchists and the socialists. It is entitled "Hunger," as though there was hunger among the people of Minneapolis. There is no starvation or hunger there. It is misleading and a slander upon the good people of Minneapolis to intimate that there is hunger and starvation there.

I have in my hand another paper [exhibiting] printed in red, which is entitled "The American Bolshevik." I will read some of the headings of it, without taking the time of the Senate to read more:

Humane America had poison-gas plant working full blast.

The article criticizes us for making gas while the war was pending to meet the gas attacks of the enemy.

Another heading is:

The Bolsheviks, the gravediggers of capitalism.

In this connection I want to read something more, emanating from the same sources from which these publications come.

Here is a card:

Liebknecht-Luxemburg memorial meeting. Jacob Panken, Socialist judge, New York City, will speak at Commonwealth Hall, 1217 Hennepin Avenue, second floor, Sunday, February 9, 3 p. m. Admission, 25 cents. Auspices Socialist Party.

It is too bad we were too far off to hear that speaker. Here is another admission ticket:

Thomas Van Lear, Frank E. Minor, and others will speak—

Giving the place of the meeting—

All money from this entertainment goes to the Mooney defense fund, San Francisco; I. W. W. defense fund, Chicago, Ill.; political prisoners' defense fund, New York City; Socialist Party defense fund, Minnesota.

Here is a man who was the Socialist candidate for governor, who was tried and convicted under the espionage law of being a most violent pro-German. He was convicted and sentenced

for one year to the county jail. His conviction was affirmed by the supreme court:

Farewell meeting for J. O. Bentall, Saturday, February 1, 8 p. m., Commonwealth Hall, the new Socialist headquarters, 1217 Hennepin Avenue, second floor. This will be the last public appearance of Comrade Bentall before he has to go to the Crow Wing County Jail for "sedition" on February 2. Admission free. Auspices Socialist Party of Minnesota. Please pass this notice along.

Here is another handbill that I have. I ask that it may be inserted in the RECORD. It is a notice of a mass meeting to raise money for the Mooney defense fund; the I. W. W.; Chicago, defense fund; the Socialist Party defense fund of Minnesota; and the political prisoners' defense fund, New York City.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Mass meeting—Defense entertainment—Under the auspices of the Social Science League, Sunday, February 2, 8 p. m., at Federation Hall, 43 South Fourth Street. Thomas Van Lear, Frank E. Minor, and others will speak. All money from this entertainment goes to the Mooney defense fund, San Francisco; I. W. W. defense fund, Chicago, Ill.; Socialist Party defense fund, Minnesota; political prisoners' defense fund, New York City. A beautiful oil painting, valuation \$100, painted by Miss Ada Wolfe, will be given away free. Good music; clean entertainment. Admission, 25 cents; children free. P. A. Stockwell, chairman.

Mr. NELSON. Mr. President, I have referred to these matters to show you how active these men are. I regard them today as more dangerous to the welfare of our community than some of the men who were opposed to the war during the pendency of the war. It shows what an active program they have instituted. They are flooding the mails.

Here is a man who spoke the other night at a meeting down here, Albert Rhys Williams, who has just come back from Russia, sent back here after spending some time there, equipped with ample funds. He is issuing his publications and scattering them broadcast. The aim of these Bolshevik leaders—some of them are imported and others are our own people—is to poison and demoralize the American people, to undermine and destroy our Government, and bring us to the level of the Government of Russia.

Instead of repealing the espionage law, in my opinion we ought to have it extended to reach such cases as these to which I have referred in order to stem this most iniquitous propaganda that is now being carried on in this country. I am getting to be an old man, and I have not many years before me; but I am satisfied that, unless the American people take effective and drastic steps to stem the wicked tide of anarchy and bolshevism that is now being so extensively carried on in the United States, and that will continue to be carried on unless it is stopped, great injury and detriment will befall the Republic.

Mr. President, the mere conviction, the mere sending to prison of one of these poor fellows—some of them are deluded, mistaken; others do it with malice prepense—is no relief or protection to the American people. It is our duty as legislators to do what we can to protect the American people against this poisonous spirit of anarchy and sedition. The Constitution never was intended for the protection of people of that kind. To my mind it is idle to invoke the liberty of the press for those classes of people. They are outside of the pale of constitutional or any other law; and there are only two ways in which we can protect ourselves. One is to exclude these vicious publications from circulation among our people; the other is to educate the American people, as far as we can, against the dangers of this spirit of bolshevism.

To my mind—and I have become more and more convinced of this from what has transpired at the hearings before the committee of which I am a member—it is apparent that we are facing to-day in this country a greater danger than that which we faced during the war, in the way of having the spirit of liberty and of integrity and of good government of our people undermined by this propaganda of bolshevism that is now abroad, and is being preached and propagated all round us. As I said a moment ago, I am an old man, and may not live to see the day, but if the American people do not take decisive steps to stop this thing, as they ought to stop it, it will grow and grow and become a festering sore beyond all possibility of a remedy.

Mr. President, I am not hostile to the press or to the liberty of the press. We have had laws on our statute books for years relating to what we commonly call fraud orders, laws relating to lotteries, laws relating to obscene literature; and power has been vested in the Postmaster General to enforce those laws. I grant that there may be cases where injustice has been done. There are many cases in our criminal procedure where men have been tried and convicted by juries and their conviction has turned out to be unjust and unfair. Time has demonstrated in some instances that such men were innocent. But because a few of those things have happened should we deprive the

Postal Department of all authority in the premises? On the same principle that you exclude what is called fraudulent literature from the mail, on the same principle that you exclude lotteries from the mails, on the same principle that you exclude obscene literature from the mail, in heaven's name, is it not just as important to exclude from the mails Bolshevik literature, which is far more dangerous to the community at large than either lotteries or fraudulent matter of any kind?

Those things are of limited consequence. This doctrine of bolshevism, as promulgated in publications of this kind, and scattered broadcast throughout the land, will do a thousand times more harm than the mere matter of a lottery ticket, or mere fraudulent matter. It goes to the very vitals of our republican institutions.

While I am in favor of the liberty of the press, while I am opposed to arbitrary power, yet the welfare of this country, and the American people is nearest and dearest to my heart and uppermost in my thoughts, and I do not want any academic constitutional discussion to stand in the way of protecting the American people against such vicious propaganda.

Mr. FRANCE. Mr. President, will the Senator yield to me for a question?

Mr. NELSON. Yes, sir. Excuse me; I meant to have yielded to the Senator from Idaho. It was an oversight that I did not.

Mr. FRANCE. I desire to ask the Senator, in view of the exhibits that he has presented, whether he thinks the espionage law should be made more drastic, and, if so, in what particular?

Mr. NELSON. I would make it so as to exclude publications that advocate what these documents do—a subversion of the Government and the destruction of law and order.

Mr. President, I ask permission to have printed, as an appendix to my remarks, this publication with red covers, called "Hunger," and the other publication which is printed in red ink.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

HUNGER—THE INTERNATIONAL REVOLUTIONIST.

HUNGER—VOL. I. FEBRUARY, 1919. NO. 1.

With the February issue "Hunger" makes its debut to the "working class."

"Hunger" is of hunger born. "Hunger" knows so well the desires, and the hunger for the emancipation of the toiling masses.

"Hunger" is a monthly magazine devoted to social science, art, and literature. Makes no promises, accepts no advertising, respects no prejudices, plays to no party or cult, will follow its own ideal, and therefore believes in a plumb-line liberalism for all.

"Hunger" offers no apologies. "Hunger" desires to maintain an "open forum" in which the shams of the present system may be presented and subjected to analysis.

The "open forum" is open to all those who are willing to help and sustain "Hunger" either by voluntary contribution or as a subscriber.

"Hunger" does not care about your individual opinion; it does not care if you are a "single taxer," an "egotist," a "communist," a "Marxist," an "I. W. W.ist," an "anarchist," or what not.

The "open forum" is yours; use it.

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A WORLD POWER.

"Russia," Germany, the Argentine Republic are the great countries where "bolshevism" is going through the first stages of its growth.

A child, a baby born by the "great world war," and by its growth astonishes its best friends.

Two years is only a short day in the life of a great world power. But already this "enfant terrible" is the talk of the whole globe.

In the kingly palaces of Europe, at the "Versailles peace table," deep in the bowels of the earth, at the clubs of the "American war millionaire," among the hungry and the homeless who walk the streets in search of food.

In the plateaus of the "Himalayas," in the "oases of the Sahara," on aboard the ships that ply the great waters, north and south, east and west, everywhere "bolshevism" is the standing topic.

If the baby causes such a stir, what will the man do?

RAVING HUNGER WORDS.

Amid all this raving hunger about the higher civilization, of making the world "safe for democracy," it would be well to pause and think for a moment and inquire, What does it really consist of?

The higher civilization of making the world safe for democracy is supposed to consist of the "self-determination" of the individual in society, to determine for himself, under what kind of a democracy he wishes to live under.

If it shall be the "hunger and want" democracy of the "master class" or the "cooperative democracy," unrestricted by man-made laws, of the "working class."

But in reality these raving "hunger words" have become the victims of a cheap and common mob psychology!

There is nothing for any sane individual to defend such a movement, especially in a country where the "lust" and the "hunger" for gold is trampling upon those who in their belief thinking it possible that through some magic wand (the ballot box) it may be possible to usher in a "safe world democracy." These are only idle dreams, so long as "capitalism," the master, remains on the backs of the "slaves."

And the weight of the master is always the same, be he called a professional educator, like "Woodrow Wilson," or a plute and multimillionaire, like "John D. Rockefeller."

And the burden of the slave remains the same, be he called a "trade-unionist" or just a common "migratory worker" out of a job.

The old decays, time is with changes rife,
And on the ruins blooms a fairer life.
Das alte stürzt, es ändert sich die Zeit,
Und aus den Trümmern blüht ein neues Leben.

—William Tell.

Awake, ye slaves. July 4, 1919. Have the courage to lay down your tools. Give this thing about to fall the last and final blow.

INDUSTRIAL DEMOCRACY.

Industrial organizations of labor, from their first inception, have been a source of the deepest concern of the "capitalist class," and as such industrial organizations of labor also leave deep impressions upon the "capitalistic governments" of the world at large wherever such organizations of labor have taken hold.

Organizations of labor, as a whole, are regarded by that class which enslaves labor as a leprous disease which forever encroaches more and more upon their "masters' rights" of the "ownership" of "industrial property."

There must be a psychological reason for this breeding of a social disease, and before applying a remedy for this economic disease we must know the reason, the truth, of the evil which breeds that economic industrial unrest in society. "This economic disease is called 'wage slavery.'"

So long as workers are compelled to work and slave for a "master" in the industries owned and operated solely for the masters' interest and profit, workers working in industries in which they have no say in the management nor their ownership, we, the workers, only are allowed to be slaves therein for a mere pittance called wages.

It would be false and idle to imply that the workers working in the industries owned by the "master class" have no peril, that there are no rocks, no obstacles in the way toward making a decent livelihood.

It is a fact that we, the producers of all wealth, work and live under a most inhuman "spoils system."

A spoils system of bosses and bossism, a system that breeds the "parasite" and the "criminal."

A system that by sinister manipulations enslaves the workers, a system of untruthfulness which rings with the horrors of amazing crimes, perpetuated upon the workers, and rings with reckless expenditures of corruption funds held in trust by the hirelings of "capitalists" to pay for false witness and the buying of juries to convict the workers.

Evils with which the system and capital calculates to humiliate the workers and jail and kill those who dare raise their voice in protest against the unjust suppression of the thoughts and actions of the workers.

This is not only true of America, it is also true of any other country in which the workers have no say in the management and ownership of the necessities of life.

The American capitalist in a foreign country does not concern himself the least about the welfare and the conditions of such foreign workers piling up wealth for this foreign capitalist; vice versa, this is also true of the foreign capitalist employing the American worker in America. He, with the American capitalist, are the least concerned about the welfare of this so-called "great American free labor." They, the masters of the industries of all countries, concern themselves only with that one most vital question, so dear to their hearts, of how to enslave the worker more and more. The industrial "Shylocks'" concern is how to get their pound of flesh; and in order to take their pound of flesh the "slave mart" must be kept full to an overflowing capacity in order to reap the fruits of the workers' toil.

Through sinister legislation those "Shylocks'" of industry use the force of government to by all means punish those evildoers and wicked breakers of their laws and order, and their moves and actions of such punishments are primarily set forth against those who dare to organize the workers to better their living conditions. Whoever dares to raise his voice in protest against inhuman industrial conditions is singled out by these human bloodhounds of society.

One has only to remember the Knights of Labor; one has only to remember "the five" who were hanged; remember Debs and the Homestead strike; only remember Ludlow—the dastardly methods used by the hirelings and murderers of Standard Oil, who in cold blood murdered your brothers and sisters, fellow working men and women.

Men and women who dared to raise their voices of discontent against existing conditions.

One has only to remember "San Francisco," remember "Tom Mooney," a man risen from the soil of the workers, a man who knew the unspoken desires, the wants, and ways of his fellow workers.

A man that offered every sacrifice and consolation for his fellow men. A man without ambition and revenge, but of sunlight and content and love, but fearless, steadfast, and true for the rights of his fellow men.

"What is his crime?"

His crime is the crime of every worker; he, an organizer of his class, accomplished what no other could accomplish, namely, to organize the "San Francisco street car workers," and therefore "he shall be free!"

Workers, remember Mooney and all the others must be free. They, the masters, think by forbidding the assembling of peaceful workers, they think by the oppression of freedom of speech and the press, by using the tyranny of a czar, by throwing those who dare revolt into damnable holes of hell, a prison cell—workers remember the "101" in Leavenworth, remember Emma Goldman, Berkman, Debs, Bentall, and all the rest. Shall they rot in prison? By the Eternal, no! The tyrants of industry, with their barbaric methods, think the onward rush and march of the "solidarity of labor" can be stopped.

Repression is not a true remedy for industrial wrongs; repression wantonly enforced against the sober sense and judgment of organization of labor will only strengthen the cause of those who advocate the abolishment of "wage slavery."

Industrial injustice is the breeding ground of discontent. Only through the abolishment of "social injustice" done to labor can discontent be abrogated from the breeding ground of industrial slavery.

The remedy for public distemper, says Burke, is conciliation and not coercion, for though coercion may succeed for a time, it always leaves room for coercion again.

Only through economic industrial organization of labor, to hold, to manage, and to control the industries in which the workers work, can that economic disease of social unrest and injustice be eradicated from the industrial field and the world at large.

Workers, organize—organize only through organization can the "industrial emancipation from wage slavery to industrial democracy" be accomplished.

Therefore, workers of the world, unite for the overthrow of capitalism and the establishment of a new society based upon the rights of every man, woman, and child.

"O, RUSSIA!"

O Russia,
To thee I sing,
Whose freedom came
Not through laughter, wine,
Nor voluptuous woman's glands.
Oh, no! Thy freedom came
Through prison cells and
From Siberia's most farthest mines.

WHAT'S TO BE DONE?

One hundred million dollar appropriation to stop the westward march of "bolshivism" is the request of Mr. Wilson to the Senate of the United States, as if dollar appropriation could stem the tide of a "world power."

And now comes Senator KENYON, who says: "We have appropriated \$100,000,000 for Europe's hungry. Do we refuse to appropriate a like amount to keep Americans from going hungry?"

Where is our boasted prosperity, always so loudly proclaimed and so intimately suggested by our two-penny trumpets, the capitalist press. Where is our boasted equality of opportunity? Where are our jobs? Where are the jobs for our returned soldiers, who so gallantly fought to make the "world safe for democracy?"

Why should there be "hunger" and "want" in a country where "liberty" and "democracy" is supposed to reign supreme; or is this "liberty" only for the masters that be.

Why is it that hungry men, women, sailors, and soldiers walk the streets in search for work and food.

When these same men and women have mined the coal, and must need be shiver in the cold, when they have made the shoes and have none themselves, when they made all the clothing and themselves are in rags—why all this misery?

Why all this unemployment? Unemployment comes from producing more than we can use. So long as man and woman are compelled to work for a master, work for a mere subsistence of life, so long as the master, "Capitalism," takes the lion's share of the worker's toil, so long will there be an army of hungry and homeless unemployed, and the army is increasing from day to day.

Workers there is plenty for all in this great country of the millionaire and the pauper. The warehouses are full, there are more shoes, there is more coal, there is more clothing than we possibly could use; there is enough for all; but capital has possession of all the necessities of life.

What is to be done?

Are we going to allow the master, "Capitalism," to become more and more the oppressor of the masses, or are we going to unite and overthrow the master in order that we, the producers of all wealth, for once enjoy the heritage of our lives.

Workers, there is nobody that will help you!

Workers, you must learn to help yourself.

BIRTH CONTROL.

Help the United States to catch up with the times.

Save the babies from being born only to die.

Save the mother's strength for only those babies she wants, and no more.

Save the father's money for only those children he can support, and no more.

Save human vitality for the betterment of the race.

Join the National Birth Control League.

How much longer will the people of the United States permit their country to be the most backward and ignorant of all the large nations on this vital question of race conservation?

The United States has the disgraceful distinction of being the only large country in the world which declares this knowledge to be a crime? Join the National Birth Control League and help change the laws and establish clinics and get contraceptive information properly circulated.

Send your contribution to the National Birth Control League, 200 Fifth Avenue, New York City, or address the editor of Hunger, who will gladly give all information about the National Birth Control League.

"A ROMAN ALWAYS."

[By John Gabriel Soltis.]

The spacious dining hall of the Noonday Lunch Club was sizzling with conversation previous to the speaker taking the rostrum.

At the south end of the hall there was a long table which was known as the "freaks' table." It was so called because at this table sat capitalists who held queer ideas in regard to everything in general and nothing in particular, and who took pride in their radicalism. For instance, there sat on this noon of which we write at the freaks' table a millionaire retail merchant, a brick manufacturer, several financial brokers, and a bishop of the Baptist church.

"Really, I don't understand why we should listen to an anarchist," Mr. Willoughby, a broker, protested.

The radicalism of this gentleman found its expression in the cult of Christian Science, to which he contributed liberally out of his fat purse. But he was angry with the idea of hearing an organizer of the Industrial Workers of the World, who was in a little while to address this representative gathering of St. Louis capital. His rather pale cheeks flushed a little red, for he was afraid that the speaker might make some derogatory remarks on the parasitic profession of which he was a leading member.

"Calm yourself, Mr. Willoughby. It won't harm you any to know what the other side thinks. Furthermore, you can't act intelligently against the I. W. W. if you are ignorant of their plans."

Thus spoke Mr. William Brock, who had made over a million in the manufacture of bricks. The radicalism of Mr. Brock lay in his espousal of single tax and what he pleased to term a sane socialism, a mélange of harmless sentimentalism.

The bishop agreed with Mr. Brock that one should hear all sides of a question if one desired to act wisely. He had no scruples to listen to anyone, for he was sure reason would prevail.

"I think," said Mr. Willoughby, speaking to his friend Mr. Brock, "that you really go too far. I can't for the life of me see where we come off at with your ideas of single tax."

"I am surprised, Mr. Willoughby, that you, a Christian Scientist, should make a statement like that. It's how one thinks, don't you know?"

This bit of wit provoked a round of laughter.

The attention of the entire audience was, at this moment, caught by the stocky form of Wm. Marlon Reedy, who, with Herbert Ettor, the organizer of the Industrial Workers of the World, appeared on the platform.

Mr. Reedy immediately took the gavel and opened the meeting. He cast a sarcastic smile over the crowd before he said a word, as if to say what an aggregation of fools they were. After staring at them several seconds he introduced the speaker.

No applause greeted him—only an ominous silence.

The well-knit, splendid form of Ettor towered over the audience as an animated bolt of dignified but visible defiance. He was just in the prime of life, being 32 years old. His speech was fluent, and his arguments skilled. He was absolutely fearless, having gone through many battles of the class struggle, of which he was a recognized opponent.

"Gentlemen," he began, "I am as well aware of the fact as you are that I am on this platform to-day merely as a matter of curiosity. In the first place I realize quite well that the ideas which I hold are very distasteful to you as an employing class. You don't like them and I can't blame you for that, unless I should assume that there is an element of humanity in you. Such an assumption, however, on my part, would be wholly unjustifiable."

"That's a lie, that's a lie," several voices of the cultured folks penetrated the hall. A general murmur of resentment fell from the lips of the auditors. Several persons hastily walked out of the hall, brandishing their fists at the speaker, who stood cool and self-possessed. When the civilized folks quieted down, the speaker continued:

"Therefore, gentlemen, I consider you very poor material for propaganda purposes. Consequently, I shall make no endeavor to convert any of you to the principles of the I. W. W. I shall, however, tell you what we of the working class propose to do with you as a class."

At this point the speaker was again interrupted by a group abruptly leaving the hall, expressing very loudly their opinion of the speaker, which was not flattering. Ettor resumed his speech:

"We consider you to be a useless class in society. The tools of production which you own are the invention of our class, the workers. You neither invent, operate nor direct the complicated machinery of industry. It is not too much to state that, in the majority of cases, you, the capitalists, could not distinguish a threshing machine from a rock crusher. To even ask you to do so would be an insult to you. You, gentlemen, are the bondholders of industry, and as such are interested in only one thing: profits. But the technique of industry is a collective possession of the working class. Should, therefore, a miracle happen, in the sudden disappearance of the capitalist class, society would not suffer in consequence of such a beneficent event. And for this reason: The workers would still carry on the forces of production, upon which our lives depend. However, should the working class vanish from the face of the earth, and there remained only the parasites, consider the situation in which you would find yourself. As you do not understand the methods and arts of production, you would starve to death. Your importance as a class in society, as you see, is greatly inflated. Therefore we propose to make you function in society as a really useful lot."

"Gentlemen, we do not ask justice of you. That would be ridiculous. We are organizing to get justice. I repeat: We are organizing to obtain, by virtue of our strength and intelligence, justice. Better men than I by far have appealed to you in sweet, honeyed sermons to do right by the workers, but your hearts are made of wood. Carlyle, Dickens, Kingsley, Emerson, Hugo, Robert Owen, have all dipped their pens in the beautiful waters of love when addressing you in behalf of our class, and, as a result, you hurled us deeper into degradation. So we shall not crawl before you any longer. We are organizing now to displace you from your usurped position. To paraphrase the words of the immortal Shelly: 'We are many and you are few.' When Spartacus gathered his warriors for freedom beneath the hills of Thessaly their eyes radiated a brilliant fire of determination and within their battered breasts there surged a divine love of freedom. We to-day are the inheritors of those things. We hold within our souls the accumulated wrongs of our brothers from the days of Spartacus, John Ball, up to the recent strike. We mean to rectify them by the erection of a new society, a society in which there shall be neither master nor slave; where the laughter of the child shall not be stillied by the cruel pangs of hunger, nor the sunlight in the eyes of the maid transposed into a commodity made for profit. In this new social order which we are busy constructing to-day man shall cooperate with man for the grand and noble purpose of sustaining and beautifying his common life. In it I can not see venerable age bowed in poverty and humiliation, because society provides for them from the common store."

"Nor do I behold in that magnificent creation of social justice crowds of human beings clamoring for a miserable right to work, with wandering eyes and despair in their souls, driven to desperation by want and worry. That I do not see, because there is work for all, it being a means to an end instead of the end itself. Nor do I perceive in that cooperative society of the world the silver streams of sunlight obscured by the smoke of belching cannon, hurling terror, misery, devastation, and human slaughter, coloring the waters of nature with the blood of murdered beast and man. These horrible, barbarous things do not appear in that society, simply because man cooperates to live and not to slay, being content to let nature eliminate the life of man in her orderly way."

"For once mankind is happy. There prevails a joy of life unknown to man before. Like the rose bush that, planted in fertile soil and attended with care, kissed by the rain and the dew, with the smiles of the sun lavished upon it, bearing forth full-blown red roses, so also, in the cooperative commonwealth, human nature being conditioned in an environment of industrial and social freedom, flowers into myriad beauties the full fruition of its favorable soil."

When the speaker had finished his speech an outburst of tremendous and spontaneous applause filled the hall. He had completely charmed his hearers with his logic and pulsating eloquence. However, it did not last long; the audience quickly became conscious of its social position.

As the crowd walked out of the hall it was engaged in a very lively exchange of opinions on the speech just heard. "It's all moonshine; he's a dreamer; not practical; sounds nice, but; up in the clouds," were some of the expressions made. These captains of industry, disliking any approach to the cooperative commonwealth, considered their views on the subject of socialism as being very practical, undoubtedly because they did not militate against their economic interests.

The office boy announced to Mr. Brock that the manager of the works desired to see him. Mr. Brock told the boy to show the manager in. The manager stepped into the office. His face plainly showed that he was in an agitated condition. Mr. Brock noticed that. Therefore he asked, before the manager of the works could seat himself, what he had on his mind.

The manager pulled out of his coat pocket several typewritten papers and handed them over to his superior.

Mr. Brock scrutinized the document very carefully. It was a schedule of wages, drawn up by the men in the works, demanding an increase in wages and a recognition of the principle of collective bargaining. He read and reread for over a half hour. This was something new to him; his men never attempted before this to organize a union. There was a time ultimatum in the demands that peeved the millionaire.

"What do you think of it, Fred?" he asked the manager, after having thoroughly digested the contents of the document.

Fred thought the demands to be very reasonable and had informed the men that he would speak favorably about them to Mr. Brock. The owner of the works being a sort of radical, Fred hoped for a concession of the demands.

"I think," said Fred, "that they ought to be granted, Mr. Brock. You know the cost of living has gone up a whole lot during the last two years, and it's pretty tough on those fellows."

Mr. Brock stared a moment at his manager, then he said:

"I won't grant a cent increase. Let them strike. I shall make provisions for strike breakers. If I give in now, then they'll want the cooperative commonwealth. They should be glad that they have got jobs."

The manager made no effort to persuade the owner; he knew that it would be useless.

Two days later there occurred a big strike in the brickworks. After hearing the speech of the I. W. W. organizer Mr. Brock decided to curb his radicalism.

THE RETURNED SOLDIERS OF CANADA.

[By John Gabriel Soltis.]

Prior to the entrance of this Nation into the mouth of hell there appeared in the press plenty of articles and editorials upon the subject of the effect on the mind of the soldiers the war would have. But since this Nation had gotten herself into the funnels there has been a manifest decrease in the stuff dealing with the psychology of the returned soldier, for reasons known to others besides the capitalist writers.

For two years the writer has had the opportunity to study the returned soldiers of Canada. I have spoken to them en masse and individually, men from St. Julien, Festubert, Messines, and Vimy Ridge, places that are literally saturated with the blood of the Canadian workers. Their experiences on the battle fields of capitalism, together with the horrors that they lived through in industrial life, have combined to make them understand their class position and mission, where the lecture and textbook failed to do so.

When war was made by the industrial kaisers of Europe, Canada, together with the rest of Christian civilization, was in the throes of an industrial panic, with a great ragged army of unemployed on the streets at the time that unemployment demonstrations were being held throughout the length and breadth of America; in the winter of 1914 and spring of 1915, in the city of Winnipeg, Canada, 30,000 hungry men were jobless. They, too, paraded their poverty; but the war saved them from hunger only to feed their bodies later to cannon in a fight "for Belgium," as they were told at that early period of the crucifixion. For they "volunteered" into the army. It was their only salvation, from their point of view, of course. A well-known great war veteran of Canada, who was a member of the first contingent, informed the writer that that contingent was composed, in the main, of workers who, being jobless, were starving with their families. Of course, this fact ought not to detract from the glory which is theirs, because that is all they have obtained out of the world scramble for loot, as they readily admit.

But when they joined the army their economic ills vanished. They got \$1.16 per day, with allowances from the Patriotic Fund for their dependents in the cruel clutches of King Hunger. Perhaps this kind act on the part of the capitalists of Canada had a tendency to convince many of the charities of democratic militarism over that of the Russian kind.

When, however, the industry of Canada had revived, as a consequence of the vast "war orders," and the economic position of the Canadian working class became better, then, in order to wage the war "for Belgium" and the interests of democracy in general and those of the capitalists in particular, by maintaining a steady flow of a stream of human flesh for the carnage fields, the capitalists of Canada forced all young men out of their jobs and put women in their places. Thus the alternative of starvation was given to them, or the army. In a "democracy" the right to decide the disposition of one's own life is all nonsense.

Briefly stated, these two methods were used to cause an army of over 300,000. After which conscription was introduced.

These worker-soldiers were at once impressed with the fact that, once in the army, your food, clothing, and shelter came to you regularly, without the least worry, without any bother at all. Yesterday, as a member of society, a worker was perishing with his family because he lacked a job; but to-day, being in the army, the necessities of life came to him as if out of a magic storehouse. As an industrial worker, a creator of wealth, he was doomed to death by starvation; but as a soldier, a destroyer of life and creative labor, his wants were attended to by the State. As a worker, the daily prostitute press did not know nor did it care if he and his family even existed; but as an annihilator of life every capitalist institution, from the church to the politician, talked about him, wrote about him, and lauded him to the high heavens, when only yesterday they had him in the cold streets by closing the job to him. What a wonderful transformation! These things left their indelible stamp upon the minds of the worker-soldier.

So he was sent to France. The politician and press told him daily that upon his return home (should he return) the world would belong to him; his sacrifices on the field of slaughter, conducted on the approved scientific plan, would entitle him to be the dominant figure in society. "Nothing will be too good for you when you come back" were the exact words used, as any Canadian soldier will say.

These workers did come back—gassed, shell shocked, blind, arms blown off, legs shot off, faces mutilated, wrecked in body and spirit, warriors all in the clash for capitalist existence.

What consideration are these heroes now receiving from the patriots?

Their jobs are forever lost to them. In their ghastly physical conditions they can not, of course, compete with others. Moreover, the capitalists won't employ them because of their military experience and habits. They are independent and prone to disobey, where formerly they were meek and submissive.

Heroes of many battles are selling pencils and newspapers for a living on the streets of Winnipeg. These warriors for democracy are reduced to that condition of pity and disgrace by a ruling class which looks upon not only the soldier but the workers also as a utensil to be thrown aside when its usefulness is gone. Thus is the "new world" of which the capitalist press prattled about for the men who "made the world safe for democracy."

The pensions of these men are so low that in the majority of cases they can't meet room rent with it.

There are innumerable cases on record where even this miserable pension amounting to \$10 or over (I don't know a returned soldier who gets more than \$20 per month pension) was deducted from the wages of a returned soldier. To illustrate: If the wages of a returned soldier were \$75 per month and his pension \$10, he would be paid \$65. Thus his service on the battle field is capitalized by the always patriotic boss. This democratic practice was so general that the victims finally turned to labor bodies for redress.

To-day in western Canada the returned soldiers are cooperating with the labor bodies. In the recent strikes there the returned soldiers played a very important part. They are ready to unite on the principle that an injury to one is an injury to all. They have already struck on that principle in the face of protests from the "internationalists" on this side of the line, whom they despise, and justly so.

NOTICE.

There are in the prisons and jails of this country to-day several hundred political prisoners and conscientious objectors, and these women and men are being subjected to most inhuman and cruel treatment, thus giving the lie to our boasted civilization. Some of the prisoners are contracting tuberculosis, thus becoming a serious menace to the health of the country, to say nothing of the effect upon the ideals of the Nation, and no good can possibly come from longer confining them. Therefore we demand that immediate universal amnesty be granted to all political prisoners and conscientious objectors.

Readers, please copy and send to your Representatives at Washington, D. C.

SOCIAL SCIENCE LEAGUE.

Meetings every Sunday, 8 p. m., Federation Hall, 43 South Fourth Street.

OPEN FORUM—FREE SPEECH, FREE THOUGHT.

No man or woman is excluded because of creed or color. Bring a friend. Discussion of the social condition, the relations and the institutions which are involved in man's existence and his well-being as a member of an organized community.

NOTICE.

The "world war" having to all intents and purposes ended, there can no longer be, if there ever was, any reason for the "espionage law." We therefore demand its immediate repeal.

Readers, please copy and send to your Representatives at Washington, D. C.

Hunger—a radical monthly magazine. C. Richman, editor, manager; R. Norlander, art editor; A. Wolfe, art editor. Subscription: Yearly, \$1.50; half yearly, \$0.75; single copies, \$0.15; in bundles of five or more, 10 cents the copy.

Send all money and contributions to C. Richman, 3125 Thomas Avenue North, Minneapolis, Minn.

Notice: All articles must bear the signature of the writer.

It will be only action that counts.

In the United States, instead of a czar we have the espionage law.

If you are not a Donkey Democrat or an Elephant Republican, then you are a traitor.

It is impossible to expect men to live in a world of plenty forever and get only the crumbs that fall from the master's table. Only action will give us the loaf.

The capitalistic 2-penny trumpets, the newspapers, say: Civilization is great, and wonderful prosperity is greater than ever in the history of the country, and you American, Mr. Block, swallows the bait.

Sewer digging seems not to be to the liking of our returned soldiers, as our city fathers thought. They ought to know that digging trenches in France was for the soldiers' own self-preservation, but that digging of sewers at cheap wages will not keep body and soul together.

Apropos: And then the uniform would be all worn out and the soldier could return to his "Uncle" nothing but rags.

I. W. W. headquarters are located at 14 South First Street. 400 Hall, Minneapolis G. R. Union meets every Wednesday at 8 p. m.

Have you seen the Commonwealth Hall at 1217 Hennepin Avenue, the finest hall in the city?

Radical meetings every Sunday afternoon. Look for announcements.

Patronize "The Modern Book Store," 127 Fourth Street South, Minneapolis.

The lecture event of the year: Max Eastman, author of "Colors of Life," "Journalism v. Art," etc., editor of the Liberator, America's most brilliant magazine, will speak at St. Paul Auditorium Sunday, February 9, at 3 p. m. Subject: "Withdraw from Russia."

The publication printed in red ink is as follows:

THE AMERICAN BOLSHEVIK.

Price, 5 cents. Minneapolis, January 24, 1910. Vol. 1, No. 5.

HUMANE AMERICA HAD POISON-GAS PLANT WORKING FULL BLAST—2,500 TONS WERE READY FOR SHIPMENT WHEN ARMISTICE WAS SIGNED.

NEW YORK, N. Y.

Startling information regarding the poison-gas plant operated by the United States has come to light recently through an article published in the conservative New York Times, by Richard Barry, a well-known correspondent. In part Mr. Barry's story follows:

Twenty-six miles from Baltimore, on the edge of the Government's vast Aberdeen ordnance proving grounds, is a 300-acre tract, fenced off even from the comparative publicity of the conventional big guns, guarded from prying eyes along every rod by soldiers with drawn bayonets. Twelve months ago it was a Maryland farm. To-day it is the largest poison-gas factory on earth. It can produce, probably three or four times over, more mustard gas, phosgene, chlorine, and other noxious fumes than the intensified war output of England, France, and Germany combined.

As we went over this enormous plant, sprinkled over the old farm, each unit well separated from its neighbors to avoid concatenated explosions, Col. Walker, once the best lecturer at the Boston "Tech," expounded the theory and the practice, the history, and the possible future of the diabolism we were surveying.

"The French and English, as you know, were reluctant to use gas, deeming it inhumanitarian. Our Government suffered from the same indecision in the early months of our part in the war. However, we came to it in time, just as did the French and English. But, although the English finally utilized every available facility they could command in the manufacture of toxic gases, their total production at its highest point never went above an average of 30 tons a day. The best the French could do was much less than this. You can get the whole story in one sentence when I tell you that our American capacity for September and October was on an average of 200 tons a day. Remember that these figures are not in pounds, as powder figures are usually given, but in tons. And a drop of gas, properly placed, kills or incapacitates."

WORSE THAN WAR TO WORK AT THIS PLANT.

In fact, when the figures are all finally published, it may appear that no division in France has a higher percentage of casualties than was developed at the Edgewater Arsenal in Baltimore (the official name of the poison-gas plant) in the month of August, this year. That was the month of excessive heat, when the gases were most volatile and when the weather made the soldiers somewhat relaxed in their vigilance to avoid accident.

During that month the hospitals were filled at the rate of 33 per cent of the entire force in the mustard-gas plant per day, or 100 per cent casualty per week.

I did look at the casualty records. I went through the hospitals, two enormous dormitories, perfectly equipped and permeating the atmosphere of a base hospital in France. I saw boys who had been struck down by the fiendish gases while at work—some with arms and legs and trunks shriveled and scarred as by a horrible fire, some with the deep suppurations still oozing after weeks of careful nursing. In one case a drop of mustard oil had fallen from a conduit pipe under which a soldier had walked, hitting his shoe. He wiped it off, thinking that made him safe. The next day his flesh began to peel. Now, five weeks later, his foot looks like a charred ember. Another had accidentally kicked over what he thought was an empty pipe. It contained phosphorus, which flew over his face and upper body. Now, weeks later, he is still a mass of horrible burns. Another case (one of the fatalities) was that of an officer who came in from the works to the office. He wore rubber gloves, as they all do when near the gases, but did not know he had been near enough to pick up the mustard oil. He picked up a chair and placed it in front of his desk, intending to seat himself. At that moment the telephone rang, and he stepped to the wall to answer. A friend, another officer, entered and took the seat by the desk. Forty-eight hours later the second officer was dead. The first officer had accidentally rubbed mustard oil on the back of the chair. It went through the clothes and into the skin.

A BRILLIANT SUGGESTION.

Out of the \$72,000,000 expenditure there is one bit of salvage. There is a little 15-ton consignment of brombenzylcyanide. This is an intense lacrymator (tear compeller), which has the effect of blinding people, but only for six or eight hours. After the temporary blindness, the afflicted recover their normal eyesight. It has been suggested that this brombenzylcyanide might be kept in every police station throughout the country, in little cans with spraying nozzles, for use against mobs. It might be a sort of permanent insurance against any American eruption of the Bolsheviks; a merciful and almost painless, but quite effective, argument against lawless force.

GOVERNMENT MURDERS MILITARY PRISONERS—CONSCIENTIOUS SUCCUMB AS RESULT OF VICIOUS TREATMENT.

Following are letters and affidavits concerning the treatment of conscientious objectors at Camp Funston. The authenticity of the material is attested to by a committee of leading citizens of Chicago, including such well-known names as that of Prof. Robert Morse Lovett, formerly of Chicago University, now editor of the Dial:

From a letter December, 1918.

To-day marks the end of another conscientious objector, who underwent solitary confinement here in prison. * * * Four conscientious objectors * * * were hung up by the wrists so that only their toes touched the cold, damp floor, which was 30 feet below the ground. They were deprived of their overclothing and were forced to live in the stench of their own excrement. After four days without food and under these horrible conditions they got scurvy and were sent here to this prison. Here they refused to work for the military, and consequently were put in solitary. * * * To-day we heard Capt. * * * hurriedly ask for permission for * * * to see his relative before he died. The parents of the first * * * to die had just been here to bury their son about a week before. Two are now dead of the four. * * * They have made the supreme sacrifice for liberty, and their deaths must not be in vain.

From a diary, Saturday, September 14.

Col. Barnes, the provost marshal, called at the guard house. He ordered us to stand at "attention," and when we refused to comply he proceeded to kick the legs of the men. Kaplan had his legs and ankles bruised as a result. Upon leaving he hinted to the prisoners that he would be tempted to pardon them if they beat us up.

Monday, September 16.

We were again placed upon bread and water diet. This continued until the following Sunday, September 22, on which day we had regularly prepared meals, so that between September 7 and 22 we had only two days of regular rations.

Monday, September 23.

We were ordered to stand at "attention" by the incoming officer of the day, and upon refusal we were told that we would be taken out every two hours during the night. This procedure was inaugurated that very night, when we were awakened at these periodic intervals, taken out and kept out a while and sent back to bed.

Friday, October 4.

Orders were issued that conscientious objectors are to be given but one helping of food and "a little at that." Not even an extra piece of bread is allowed us. We are now kept hungry from meal to meal.

Wednesday, October 9.

Steiner joined the hunger strikers because he had been placed on bread and water.

Eichel was undressed and given a cold shower.

Col. Barnes, the provost marshal, called while some of the objectors were taking their enforced exercise. He ordered them to stand at "attention." When they refused he beat them vigorously with his heavy riding crop. Shotkin was badly hurt, the colonel breaking his crop over the former's ankles. He deprecated the ruining of his stick and implied that the only reason he did not brain Shotkin was that he wasn't worth the trouble. He then addressed the men before him. "You have declared a famine strike on me. Well, the Third Assistant Secretary of War, your friend, knows it and has instructed that I permit you to starve to death."

Shotkin, limping, returned to quarters. A guard straightway ordered him outside. Shotkin insisted that he could not walk and demanded medical attention. Though the doctor was in the room at the time, no treatment was given him. On the contrary, though suffering intense pain, he was dragged outside and two guards pushed him around the inclosure.

Steiner was dragged from his solitary cell and ordered to walk around. Falling to obey, a guard seized him by his fingers and dragged him around. Steiner suffered intense pain, for the slightest resistance on his part meant the pulling of his finger out of joint.

After supper two slices of bread were given to those who were presumably on bread and water, despite the fact that every one of them was on hunger strike. The sergeant informed them, "Not a drop of water do you get until this bread is consumed."

We, the undersigned, consider the above a fair and accurate account of our treatment at the military police guard house of Camp Funston, Kans.

David Eichel, Julius R. Greenberg, Chas. P. Larsen, Francis Steiner, Francis X. Hennessy, John Downey, Mayer Bernstein, Henry Monsky, Max Sandin, Emanuel Silver, Benjamin Breger, Rexford Powell, Morris Franklin, Thomas Shotkin, Herman Kaplan, Lester G. Ott, Joseph Brandon, Ulysses Da Rosa.

WILLIAMS ANSWERS FURTHER QUESTIONS ON RUSSIA—NOTED CORRESPONDENT EXPLAINS WHAT SOVIETS HAVE DONE FOR WORKERS.

[NOTE.—Arthur Rhys Williams, a noted journalist, worked with the Soviet Government and lived with the workers and peasants during the Bolshevik régime. Below he answers a few questions commonly asked about what the Soviet Government has done.]

When the workers took over the factories and mines, did they not make many mistakes?

They did. Lack of experience and technical skill led them to many blunders. But they learned quickly, and after a time many factories turned out more products than before.

As soon as the workmen found the factories really in their hands there came a change in their minds. Under the Kerensky régime they tended to elect a foreman who would let them do as they pleased. Under their own government, the Soviet, they began to elect as foreman those who put discipline into the shop and raised the production.

In the so-called American works at Vladivostok the wheels, frames, and brakes of cars were assembled, and the cars sent out over the Trans-Siberian Railway. In the Kerensky régime these shops were hotbeds of trouble. The 6,000 workmen on the pay roll were turning out but 18 cars a day.

The Soviet committee closed the plant down and put the men to work in other places. Then it reorganized the shops and started up with a force of 1,800 men. In the underframe section, instead of 1,400 there were 350, but by means of short cuts, introduced by the workers themselves, the output of that department was increased. Altogether the 1,800 men on the new pay roll were turning out 12 cars a day, an efficiency increase of more than 100 per cent per man.

I was standing with the Bolshevik president on the hills overlooking the shops below. He was listening to the clank of the cranes and the stamp of the trip hammers ringing up from the valley.

"That seems to be sweet music to your ears," I said.

"Yes," he replied; "the old revolutionists used to make a noise with bombs, but this is the noise of the new revolutionists, hammering out a new social order."

Are socialists the only ones who believe in the Soviets?

No; all classes of Americans—Col. W. B. Thompson, of Wall Street; Col. Raymond Robins, head of the American Red Cross, who knew Lenin and Trotsky; Maj. Thatcher; Bessie Beatty, of the San Francisco Bulletin; Louise Bryant, of the Bell Syndicate; Madeline Z. Doty, of Harper's; Edgar Lee Brown, of the Chicago Daily News; Dr. George F. Kunz, John Reed, of the Liberator, and scores of others.

How do we know that the Soviet is the government that the people of Russia want?

It is the only government that has shown any strength, and the only one that the people have fought and died for. The last Sunday in July an election was held in Vladivostok. There were 17 tickets. Everybody said the contest was between the Cadet Party and the Moderate Socialist block. It was not supposed that the Bolsheviks could cast any large vote, because their leaders were in prison and their papers suppressed. But when the votes were counted it was found that the Cadets had 4,000, the Socialists 5,000, and the Bolsheviks 12,000. The Bolsheviks got more votes than all the other 16 parties put together.

What have the Soviets done for the women of Russia?

Women have the same political, economic, and social rights as men. The Bolshevik Government provides free care for women 16 weeks before, while, and after they become mothers. If they go back to work,

they are allowed to work but four hours a day. Women have full rights over their property, the right of divorce the same as men, and the shops are on the same footing. "Together men and women were slaves, now together they are free."

HOW IS JUSTICE ADMINISTERED UNDER THE SOVIETS?

Justice is very simple in Russia now. The old laws of Russia were very bad, and the Soviet Government had to rebuild the whole thing. In the meantime, a revolutionary tribunal which hears all cases was established. Sometimes lawyers are not present at all, but the people defend themselves, and their friends come forward to speak for them.

ALDERMAN PETERSON PUT HIS FOOT IN IT.

Alderman Peterson, of the sixth ward, is one of those genial souls who likes to please everybody, and particularly, we might say of him, he very much fears that he will be replaced by a Socialist in the next election. So it came about that the worthy alderman, who voted for the vicious red-flag ordinance, introduced an ordinance calling upon the telephone companies to increase the wages of the telephone employees. Now, it so happens that the present employees of the telephone company are all strike breakers; in plain English, scabs. So Mr. Peterson's bill really would raise the wages of the scabs, a group of contemptible devils who would sell their souls for a dollar bill.

Are Mr. Peterson's fears that he will be replaced by a Socialist in the coming elections well founded? We think they are.

MEYER'S POLICE GO ON RAMPAGE IN TWELFTH WARD—CONFISCATE PAPERS AND DRIVE CUSTOMERS FROM RADICAL NEWS STAND.

Mayor Meyer's police had a pleasant evening of it last Monday when they walked into the place of business owned by Mr. H. Gravedahl, 4004 1/2 Minnehaha Avenue, stole copies of papers they wanted, and ordered the customers who were in the place to leave at once. The name of one of the officers is Dick Kerr; the other we have not yet been able to discover. They had no warrant; there was no disorder in the store, which is a combined news and confectionery establishment; the seizure of copies of the American Bolshevik, the Revolutionary Age, and other periodicals was entirely unwarranted and an act of unlawful rowdism.

[The American Bolshevik. Published weekly. Box 593, Minneapolis, Minn. A. L. Sugarman, editor. Per year, \$2; per copy, 5 cents. In bundles, 10 or more, 3 cents.]

A VICIOUS BILL.

The forty-first session of the Minnesota State Legislature was fittingly opened with the introduction of house file No. 1, the reactionary Nimcock's bill to prohibit the use of the red flag. The bill is a blanket affair that would make it unlawful to print the Socialist Party emblem, an I. W. W. banner, a picket's banner; in short, any sort of a labor ensign that might be used by the working class in its struggle for freedom from wage slavery.

We are certain, of course, that the three Socialists in the legislature will vote "no" on the proposition; probably a few "progressives" will muster up sufficient courage to vote with them, despite the visions of anarchy and riot that will be brought before the house and senate by the old guard. We think the bill will pass. And we say further, "Pass it and be damned!" The days of corporatism rule over the workers are nearing an end. Let these lickspittles of special privilege enjoy themselves while they may. "The future belongs to the people!"

THE MAGIC PAPERS.

There is a strange delusion abroad that unless an individual possesses citizenship papers he is a thorough undesirable. If he possesses the magic papers (and, of course, behaves himself to the satisfaction of the ruling class), he is accredited, he is entitled to express himself of what he thinks; but if, horrible to relate, he has not received the coveted documents he is worthless, useless, and an enemy of the country. How powerful a scrap of paper may be made to appear!

Does the fact that a man carries these sacred documents make him necessarily an asset to society? Does the fact that he does not carry them make him necessarily an enemy of the people? If we are to accept current opinion on the matter, only citizens should be allowed to exist; others really can not justify their existence. We know non-citizens who are really valuable to their communities, men who are struggling for the social good; we know citizens who are criminally enemies of the people. While there can be no objection to one's taking out these magic papers, if he so desires, it is often the case that the non-citizen is a better citizen, in the larger sense, than he who shouts the loudest against "these damned foreigners."

THOSE PROFITEERS.

Figures are, ordinarily, rather dull reading, but statistics brought to light in recent weeks by the Treasury Department and the Federal Trade Commission concerning the profits of the patriots during and because of the war are more than interesting. Particularly is this so in view of the testimony given a few days ago before a congressional committee by J. Ogden Armour, the millionaire packer, who made sweeping denial that the packers had profited unreasonably in recent years. According to the Federal Trade Commission report the profits of Armour, Swift, Morris, and Cudahy in 1912, 1913, and 1914 totaled about \$19,000,000 each; in 1915 they earned \$36,000,000; in 1916, \$55,000,000; in 1917 the figures rose to the stupendous amount of \$87,000,000. And while sales increased 150 per cent profits increased over 400 per cent. And Mr. Armour had the courage to tell an investigating committee that the poor, poor packers were practically starving to death!

Even the conservatives will hold with us that these profits are exorbitant. But a real solution to the problem will never be found until the packing industry, as well as all others, is made the property of the working class. Reduction in percentage of profit is, after all, a sadly mild remedy. "A little less robbery, please," is scarcely a satisfactory demand. We'll say, "No robbery at all." And with proper organization the working class can make that demand effective.

THE BOOK SHELF—REVIEWS OF SOME OF THE NEW BOOKS THAT ARE WORTH READING.

[Louise Bryant on Russia.]

Louise Bryant's kaleidoscopic "Six Red Months in Russia" (Geo. H. Doran Co.) reminds us, for all the world, of Pathé Weekly. From the constituent assembly she takes us with her enthusiastically to see Catherine Breshkovsky; from there we visit Kerensky, and learn many

things, interesting ones, indeed, about him; then we are given intimate views of the Bolshevik foreign office, where the author, John Reed, and Arthur Rhys Williams were employed, assisting in the Bolshevik propaganda; the fall of the Winter Palace is flashed before us; Lenin, Trotsky, Antonoff, Krylensko, Dubenoff, Kollantay are introduced and we learn of them and their work.

And while the book is thrown together, rather hastily it may appear, whatever page is turned to (in all the 300) will be found dramatically interesting; yes, almost melodramatically so. Louise Bryant was there. She saw these things we are all talking about. Saw the women soldiers and talked to them, watched the revolutionary tribunal, with its simple methods of dealing out real justice; saw the majestically sad red burial of 500 martyrs of the revolution, sat in at meetings of the constituent assembly and the council of Soviets. She was there when the Russian proletariat wrote the most glorious page in modern history.

You'll find a dozen or so corking photographs of the leading figures, as well as a number of decrees that were issued by the Soviet Government. Information? Lots of it. And all with the personal touch that makes you know these people whom you have been talking about, shouting about for these many months. It's inspiration, is this book of Louise Bryant.

THEN THE REVOLUTION.

[By J. O. Bentall.]

When does the revolution come? When we have educated the masses? When we have organized the working class? When we have elected socialist officials and established our free press and rostrum?

No.

Won't the revolution come by intelligent awakening?

Never.

Won't it come through the hungry stomach?

Never.

When oppression becomes unendurable and tyranny a nightmare; when hunger stalks abroad and want haunts the slaves; when liberty is taken away and the world is robbed of freedom; when war and blood and pestilence and death has overtaken the masses, and life becomes a ghost, a skeleton, a rotting carcass; when life becomes loathed and despised and death becomes the bright desired bride of the disgusted, discouraged, hounded, beaten, licked humanity; when the people get sick of life, then the revolution.

That is the stern history of Russia. When the people ceased to endure the iron heel of the Czar and of capitalism as a whole, they revolted.

That is the naked history of Germany. When the tyranny of militarism and the murder game of capitalism got the people down in the dumps, they rose up.

So it will be in France, in England, in Italy, in America.

When the people become sick of life, they will make one big leap for freedom.

The people of America are on the verge of a revolution because their liberty has been taken away from them.

They will not stand for that. They are disgusted, and cry to-day as Patrick Henry cried:

"Give me liberty or give me death."

THE BOLSHEVISTS, THE GRAVEDIGGERS OF CAPITALISM.

[Continued from last week.]

That they were right in this also we can easily prove by the acts of the governments of capitalistic countries. Even in those countries which have the most democratic institutions the governments are class governments—"committees for the conduct of the common affairs to the bourgeoisie." In the United States the workers have the ballot and are in a majority, but the capitalist class controls the means of information. It controls the newspapers, the schools, the colleges, and the pulpits, and through this control it is able to mold the minds of the voters so that they elect to office men who will uphold their class interests. And when they are unable to control the voters they can always win over the "good men" elected to office by the pressure they can bring to bear through their economic power and promises of preferment. Consequently the Government of this country, as is proven by its acts, is greatly concerned and constantly engaged in passing laws conserving the interests of the capitalists, but never legislates in the interests of the workers.

THE WAY TO FREEDOM.

Marx and Engels pointed out also that the development of the means of production was bringing larger and larger masses of workers together in industry, and that the system of production was changing from individual production to collective production. Private ownership of industry, they said, was a fetter on the development of the highest and most efficient form of collectivism.

They meant by this what Mr. McAdoo, Director General of Railroads, pointed out in his annual report, when he said that under private ownership the railroads sent freight by roundabout routes and lost millions of dollars because they did not use common terminals. The coal industry furnishes another example of the fetters of private ownership on collective industry.

Marx and Engels said that the way to freedom for the workers was, in harmony with the development of industry, to transfer industry from private control and ownership by the capitalists to the common ownership and democratic management by the workers.

They said that to accomplish this the workers must gain control of the State—the Government—and change it from an instrument of capitalist oppression to a means of establishing the common ownership of industry and management by the workers.

They said that when the workers took control of the Government there would come into existence a "dictatorship of the proletariat"; that such a dictatorship of the proletariat was necessary in order to break down the resistance of the capitalists to the socialization of industry, but that, as the transformation of industry from private ownership for profit to collective ownership with management by the workers in the industries proceeded, the State would lose its class character and become merely an organization for the administration of industry; that in place of being an instrument of class rule it would become a huge cooperative organization of all the workers for the common purpose of supplying themselves with food, clothing, homes to live in, and education and recreation.

The capture of political power by the workers might come through a mass movement and revolution, as it did come in Russia and as it is now manifesting itself in Germany, or it might come as it did in Finland, where the Socialists elected a majority of the Finnish Parliament, and where civil war exists because the propertied classes resorted to force to stop the workers from proceeding with the work of socializing industry.

BOLSHEVISM—APPLIED MARXIAN SOCIALISM.

Now, we are ready to answer the question whether bolshevism is something new.

If we place in parallel columns the principles of Marxian socialism and the acts of the Bolsheviks, we will find that the Bolsheviks are acting upon the principles that Marx and Engels laid down more than half a century ago.

They organized the workers for a class conflict.

They seized control of the power of the State and established a dictatorship of the proletariat.

They are using the power of the State to wrest control of industry from the hands of the capitalists and to build up a democratic administration of industry by the workers.

In the period of transition the power of the State is being used to establish collectivism and democratic management. This process wipes out of existence the capitalist class, and as this class disappears, being absorbed in the ranks of the workers, its power of resistance ends, there disappears with it the coercive power of the State, and industrial democracy takes its place.

Bolshevism is not something strange and new. It is not a blind, raging force of destruction. If at present its triumph is accompanied by bloodshed and destruction, it is because the bankruptcy of capitalism precipitated a cataclysm, and the workers are obliged to rebuild the new order amidst the wreckage of the old, and with those who profited from their former oppression and exploitation placing every obstacle possible in their path.

Bolshevism is Marxian socialism in action. It is the social revolution under way. It is the workers on the road to victory and a better world.

WE ARE NOT IMMUNE.

The capitalist-owned newspapers are shrieking loudly against bolshevism. They are lying about it. They are resorting to the most desperate measures to poison the minds of the workers against it.

The reason they do this is clear.

They know that the exploitation and oppression of the workers in industry exists in this country as it exists in Europe. They know that the socialist movement in this country has and is carrying on the same kind of campaign of education and organization among the workers that was carried on in Russia and in Germany, and that the time is coming when the workers here will engage in the same struggle for their emancipation that is now going on in Europe.

They know that this struggle will not be precipitated by the wild schemes of a few individuals, but that it will be the logical result of the historical development in industry.

The Bolsheviks are the gravediggers of capitalism and the builder of the new world. They are removing the wreckage and debris of a bankrupt system of production and putting in place the foundation on which will be erected the structure of the new society—the better and more beautiful world of the future.

It is because the gravediggers of the system that gives them great wealth and luxury are at work that the capitalists rave and are filled with fear and dread.

For the workers the present is the period of hope and joy in anticipation of coming happiness.

Farewell meeting: J. O. Bentall, who has received notice that he must deliver himself up to the Crow Wing County Jail on February 2, will speak at Commonwealth Hall, 1217 Hennepin Avenue, second floor, Saturday, February 1, 8 o'clock. Admission free.

Max Eastman will speak in Minneapolis Sunday afternoon, February 9, at a place to be announced next week.

WOMEN IN RUSSIA.

[By G. H.]

I heard a man say
The other day
That in Russia
They have made
Women public property,
And I wondered what he meant.
For in Russia
They have abolished
That blessed institution
Known as matrimony
And established
A registry system,
Making marriage
A civil contract,
So a man and a woman
May choose each other
Without the sanction
Of a priest or church,
And married life
Can be clean
And fine and decent
Without bonds or chains,
And children may be born
Into an honest world
Without hypocrisy
And cant about
The marriage relation.
And when it is
No longer possible
To live together in
Love and self-respect,
Either party may apply
For a separation
Without the scandal
Of a divorce.

But in America
Women must wait
Until some man
Asks them to share
His lot, and be
Blessed by a minister
For a fee,
So that they
Can do his cooking
And washing and scrubbing
And mend his clothes,

And bring his children
In respectability
Without any pay,
And if they live long enough
They may get
Some of his property
After he is dead.
And if they can not live
With him any longer
They may get a divorce,
If they can endure
The humiliation
Of a divorce court.

And I think
What the man meant
By public property
Was that in Russia
Women are free human beings,
And do not belong
To any man,
And that he would prefer
To have them remain
Private property,
As they are in
America.

DEFENSE ENTERTAINMENT FEBRUARY 2.

The Social Science League of America is giving an entertainment Sunday evening, February 2, at 43 South Fourth Street. The funds raised are to be divided between the Mooney Defense League, the I. W. W. defense fund, political prisoners' defense fund, and Socialist Party defense. A beautiful oil painting, by Miss Ada Wolf, and valued at a hundred dollars, is to be raffled off at this entertainment. Tickets are a quarter, and are on sale at socialist headquarters, 1217 Hennepin Avenue.

IT'S A GREAT LIFE.

Will the city council now kindly pass an ordinance against the use of red ink?

Why American troops in Russia now? The Bolsheviks, according to the Associated Press, have already massacred four or five times the total Russian population!

One hundred million dollars has been appropriated to destroy bolshevism in Russia. As the population of Russia is 180,000,000, this means about 50 cents apiece, say, about one square meal for each person in the Empire. Do they really expect to stop bolshevism with one square meal?

The speech of a prominent citizen in a south side church, attacking bolshevism, was described to us as "about as intelligent as a burlesque show and as truthful as an account of a socialist meeting in the capitalist press."

LEFT WINGERS' NATIONAL CONVENTION.

Local Boston has passed a resolution demanding immediately a national convention of the Socialist Party, in order to consider the problems which have arisen out of the war and the revolutions which have followed it. The demand is occasioned by the sending of Lee, Work, and O'neal, three conservatives, to attend the fake "international" called for Lausanne, Switzerland, by discredited enemies of socialism in Europe. The call is issued by Camille Huysmans, and others who have proven to be enemies of the revolutionary proletariat, "comrades" who have betrayed the movement time and again.

It is pointed out that the national executive committee had no authority whatever to send these delegates without referendum vote of the membership. It is further argued that, from all the information available, it would seem that the American Socialist Party has no place in such a reactionary gathering, and it is urged from these facts that locals protest by wire to the national secretary, and that a convention of the party be called for the purpose of taking a stand on the vital issues that have recently arisen.

PORTLAND WORKERS AND SOLDIERS ORGANIZE.

Two thousand workers and soldiers organized a Workers and Soldiers' Council at Arion Hall last Thursday. An executive committee of 23 was elected, and resolutions were adopted demanding withdrawal of troops from Russia and amnesty for political prisoners.

WHERE TO GO.

Latimer to speak February 2.

The first half of the season's lecture course will be completed Saturday evening, February 2, at new Commonwealth Hall, 1217 Hennepin Avenue, Minneapolis, with a lecture by T. E. Latimer, prominent Minneapolis attorney, on "Labor conditions in the Twin Cities." Mr. Latimer was counsel for the employees in the War Labor Board hearings in the Twin Cities recently, and his speech will deal with the startling information regarding wages, hours, etc., brought to light in this investigation.

Minneapolis Local, Socialist Party, has moved into the new Commonwealth Hall, 1217 Hennepin Avenue, where it will hold regular meetings the first and third Thursday of every month.

The Socialist Study Class has likewise moved its meeting place to Commonwealth Hall; meetings are every Friday.

I. W. W. Recruiting Union; every Wednesday night at headquarters, 14 South First Street.

RUSSIANS TO ENTERTAIN.

The Russian Slavic Educational Association announces a concert and play for February 2 at Finnish Hall, Humboldt and Western Avenues. The play "Shot to Death" will be put on at 1.30 in the Russian language, and will be followed by musical numbers and a speech by A. E. Georgian.

TRADES AND LABOR ASSEMBLY DEMANDS POLITICAL AMNESTY.

Minneapolis Trades and Labor Assembly, representing 20,000 union men in this city, passed unanimously a resolution demanding amnesty for all political prisoners at a regular meeting last Wednesday.

Complete line of radical and scientific books, newspapers, and magazines at Century News Co., 6 South Third Street. Louise Bryant's "Six Months in Russia" for sale here. Only a few copies left.

For fine tailoring try Jacob Hymanson, the reliable tailor, 1321 Nic. Avenue, Minneapolis. Suits made to order; cleaning, pressing; remodeling neatly done.

Mr. BORAH. Mr. President, all in this Chamber have a very great respect for the Senator from Minnesota. He is one of the veterans of the Senate; and we have not only a high regard for his capacity as a legislator but a very tender regard for him individually. But I hope that when the Senator comes to review his remarks he will reflect upon one statement which he made—that the people to whom he referred here, Socialists and Bolsheviks, are beyond the pale of the Constitution and beyond the pale of the law.

That doctrine we should all desire to keep from taking root in the American system of Government. It is the precise doctrine, if we understand correctly, upon which bolshevism and I. W. W. ism are founded, to wit, that the man who disagrees with you is entitled to no protection other than that which force may, in its beneficence, see fit to grant. I am sure that that doctrine is not the doctrine in which the Senator from Minnesota believes. These people are not beyond the pale of the Constitution; they are not beyond the pale of the law. The Republic can deal with them within the terms of the law and in an orderly way. It is an awful thing to say upon this floor that men are to be treated as beyond the pale of the law.

The Senator says certain people are bringing the doctrine of bolshevism into this country. Mr. President, what is the doctrine of bolshevism? It is the doctrine which the Senator accepts. Just as soon as Lenine and Trotsky were placed in power they suppressed every newspaper in the land that did not agree with them. They did not give anybody a hearing as to whether or not they should be suppressed. They denied a hearing to every man who did not agree with them. That is what the reports in the papers say. I do not know whether it is true or not. I am basing my statement upon what the papers reported, although I have reason to believe that perhaps sometimes these reports are exaggerated. But they not only denied a hearing to people who had published papers contrary to their views but they denied a hearing to those who had views with reference to government contrary to theirs. They disposed of them in arbitrary fashion, executed them without trial because they regarded them as beyond the pale of the law. They practiced the doctrine which the Senator preaches.

Mr. President, this is a Government of law and not of men; and no man in this country who is a citizen or who owes allegiance to this country, or is found in this country subject to its jurisdiction is beyond the pale of the law. That is the contest that has been going on for three centuries—to establish here a government of law, which would afford to every citizen under the law the ample protection of its provisions, regardless of whether he was insane or criminal. If insane, let him be sent to the asylum; if criminal, let him be adjudged such by the ordinary procedure of our courts, and sent to the penitentiary. But no man is without and beyond the protection of the law. To assert that to be true is to libel our institutions and to slander our whole form of government. I deny such principles. They have no place in this Chamber.

Mr. THOMAS. Mr. President, I am very largely in sympathy with the views expressed by the Senator from Idaho [Mr. BORAH], and I have been very much impressed by the argument which he has made in behalf of his motion to amend.

I took some part in the discussion which preceded the enactment of the espionage law. I took exception to some of its provisions, and did what I could to make it as workable as possible and soften the harshness of some of its sections. I was not here when the final vote was taken upon its passage; hence I am unable to say whether I would have voted for it or not.

Its only defense, its one defense, is that it is a war measure, made necessary for the protection of the Government which we all serve and because of the prevalence of a very large seditious element scattered throughout the length and breadth of the Nation. With the termination of the war it should disappear, for in time of peace, however dangerous the Bolshevik menace may be—and I think I recognize its gravity as fully as anyone—it should be decided by constitutional methods and through constitutional agencies until overt acts committed by it justify a resort to other remedies.

Mr. President, I have always shrunk from the exercise of arbitrary power everywhere, and particularly in a Government like ours, but we must expect to meet them in some form during a period such as we are now happily emerging from.

I read a few days ago in the dispatches an incident which occurred in the United States district court in the city of Chicago, presided over by a judge of considerable prominence, Judge Kenesaw Mountain Landis. He asked the witness upon the stand, who was wearing a wrist watch, whether he belonged to the Army. The reply was that he did not. The judge then ordered him to take the watch from his wrist, saying no man should be permitted to wear a wrist watch who did not belong to the Army or Navy in some capacity. I think a member of the bench guilty of such infinitesimal, contemptible despotism should be impeached. I think any judge who would so conduct himself betrays by such conduct his utter unfitness for that or any other public position. I do not know how we can avoid such evidences of petty tyranny, because impeachment is one of those theoretic systems of criminal procedure which are not honored in the breach, because there never is any breach, except on rare occasions in demonstrations of its utter incompetency. That, however, is a digression.

Mr. LEWIS. Mr. President—

Mr. THOMAS. I yield to the Senator.

Mr. LEWIS. May I say to the Senator from Colorado, knowing his eminent fairness at all times and his high position as a Senator, if the charge made against Judge Landis or if the statement were accurate, would it not appeal to the Senator that possibly Judge Landis's real error was in assuming it as humor? I would suggest to the Senator that possibly Judge Landis felt when he made that remark to the witness that he was making a humorous reflection upon certain officials of the Army who always wear wrist watches. I can not conceive for a moment that he really meant seriously to reprove the witness.

Mr. THOMAS. The Senator knows Judge Landis and I do not. It may have been an exhibition of judicial humor; but if so, it is an incident of a humorous kind which does not arouse my sense of humor at all.

Mr. LEWIS. Let me say to my friend, it may be regrettable, and I have no knowledge of the instance; I can pass no judgment upon it; but I can not conceive that a man such as Judge Landis would really mean to indicate that no man had the right to wear a wrist watch except some officer of the Army, and if he dare to do so he should be degraded for doing such a thing. I would be astounded to hear that such evolution of his mind had transpired as to border very near to the question of responsibility, and that can not be charged to him.

Mr. THOMAS. I hope that it is unfounded. I hope for his sake, I hope for the sake of the judiciary, that it is unfounded or that it is a clumsy joke; but such incidents serve very largely to confirm that prejudice against Federal courts which is one of the characteristics of the time, and is based largely upon assumptions of petty tyranny and oppression that are unworthy of the bench and disagreeable to its occupants.

Mr. KENYON. I just came into the Chamber. May I ask the Senator what the complaint was about Judge Landis? Judge Landis is a man whom I have known intimately and well for very many years, and I am wondering just what it was the Senator said.

Mr. THOMAS. I referred to the fact that the exercise of arbitrary power in this country was not confined to proceedings under the espionage law, and as an illustration of it I referred to an incident which appeared in the press a few days ago, the substance of which was that a witness in Judge Landis's court in Chicago wore upon his wrist a watch, and upon being asked by Judge Landis if he belonged to the Army, and upon his replying that he did not, ordered him to take it off, Judge Landis saying that no man should be permitted to wear a wrist watch who did not wear a uniform or was not connected with the Army.

Mr. KENYON. Has the Senator any information that any such thing really occurred? Is it a very important matter, anyway?

Mr. THOMAS. All I know is what I saw in the papers.

Mr. KENYON. Does the Senator know Judge Landis?

Mr. THOMAS. I do not. I have had a very high opinion of him.

Mr. KENYON. The Senator's high opinion of Judge Landis is justified.

Mr. THOMAS. I have not seen the incident denied.

Mr. KENYON. No more patriotic man or better judge, in my opinion, ever sat upon a bench than Judge Landis.

Mr. THOMAS. He has been a good judge. I hope that is not one evidence of his brand of patriotism.

Mr. KENYON. His brand of patriotism is illustrated by his boy, who stopped here a few days ago on his way back home from France, his only boy, with a magnificent record in bringing down German airplanes. The Landis family is in the front rank whenever any question of patriotism is involved.

Mr. THOMAS. I am glad to hear that.

Mr. KENYON. The patriotic utterances of Judge Landis from one end of the country to the other during the war did much to stimulate patriotism. This matter, it seems to me, is in the nature of an attack on him and is very trivial. If ever a man stood for the right things, either on the bench or in public life, that man is Kenesaw Mountain Landis. If we had more judges like him it would be well for the country, and if the Senator from Colorado knew him as I know him no word other than commendation of him would ever come from his lips.

Mr. THOMAS. Before the Senator from Iowa came in I expressed the hope that it was not true. I reiterate it.

Now, Mr. President, let me proceed with the purpose for which I took the floor. We have been several days engaged in an abortive effort to pass an appropriation bill. That it has not yet reached a final vote is due to the fact that it was loaded by the committee with riders, and is now being loaded, or the attempt is being made to further load it, with other riders containing subjects none of which, in my judgment, are germane to the objects and purposes of the bill or in harmony with its title.

The amendment proposed by the Senator from Idaho is confessedly not subject to a point of order, and therefore it is accompanied by a motion to suspend the rule.

Mr. President, I am going to protest at this time against the continued practice of loading bills, and particularly those of national importance whose early passage is very essential, with amendments providing for objects and for obvious purposes that are not only foreign to the purposes to be accomplished by the bill, but which necessarily provoke prolonged discussion and controversy.

If every appropriation bill reported upon this calendar between now and the 4th of March is to be treated as this one has been treated we will be fortunate if we pass two of them. I see no reason why they should not be so treated, if we are to go to the extreme of suspending rules in order to permit the intrusion into this bill of a matter which however important is entirely foreign to it.

It is for that reason, Mr. President, that I shall vote against this amendment. I want to see this bill passed, much as I dislike some of its provisions, because we need all the time remaining at our disposal, if we should sit here by day and by night, for the proper and intelligent transaction of other remaining business. So believing and for these reasons I shall cast my vote against the suspension of the rule. I have no doubt that the distinguished Senator from Idaho will be able to secure a recognition of the main purpose of his discussion in some other fashion.

Mr. KING. If the Senator will pardon me, I understand there is a bill, indeed that the Senator from Maryland [Mr. FRANCE] has introduced a bill, having for its object the repeal of the espionage act, and that bill is before the Judiciary Committee.

Mr. THOMAS. That is the case. I think a majority of the riders that are offered to appropriation bills are also included in independent bills, some of which have been approved and reported to the calendar, and others are still in committee. But it is the practice which I protest against, not only the cumbrous and dilatory but the dangerous practice, of holding up important bills in this body until those who are interested in particular matters entirely foreign to them can compel the Senate, in order to reach an ultimate conclusion, to accept their amendments as a condition to a final vote.

Mr. KING. Of course, no one can dissent from the conclusion stated by the Senator from Colorado. I do not intend to discuss that.

I ask the attention of the Senator from Alabama [Mr. BANKHEAD]. First, I desire to give notice that I reserve the right to ask for a separate vote in the Senate upon the action of the Committee of the Whole with respect to the amendment found on page 15 of the bill under consideration, its provision being what is known as the pneumatic-tube item.

I move a reconsideration of the vote by which the amendment found on pages 28 and 29, being the motor-truck amendment, was rejected. I think the chairman of the committee will not object to the motion for a reconsideration.

Mr. BANKHEAD. I suggest that the Senator had better do that when the bill reaches the Senate. It can not be done now except by unanimous consent.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). The Chair understands that an amendment is now pending,

known as section 6 as amended. Therefore the amendment of the Senator from Utah [Mr. KING] is not at this time in order.

Mr. KING. Then, I shall not insist upon my request at the present time.

Mr. SMOOT. May I ask what amendment is now pending?

The PRESIDING OFFICER. It will be stated.

The SECRETARY. The pending amendment is on page 37, to insert lines 4 to 15, inclusive, including the amendments proposed by the Senator from Arkansas [Mr. KIRBY] and the Senator from Washington [Mr. JONES].

Mr. SMOOT. I do not want the vote taken on the amendment as amended until I can offer a substitute for it. I understood that the amendment of the Senator from Washington [Mr. JONES] was adopted last night.

Mr. JONES of Washington. It was adopted.

Mr. KIRBY. So was the amendment proposed by me.

Mr. SMOOT. I so understand.

The PRESIDING OFFICER. The amendments proposed by the Senator from Washington and the Senator from Arkansas were adopted, and also an amendment offered by the Senator from Minnesota [Mr. KELLOGG].

Mr. SMOOT. I understand that to be the case. What amendment is now pending to the amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. SMOOT. I want to offer a substitute for it.

Mr. JONES of Washington. Before that is done I want to offer another amendment to the amendment.

Mr. BANKHEAD. I make the point of order that amendments can not be offered until half past 3 o'clock under the unanimous-consent agreement.

Mr. SMOOT. No.

Mr. BANKHEAD. That is what the agreement says.

Mr. SMOOT. I do not want to take the time of the Senate, but the agreement does not prevent amendments from being offered before 3.30. It says that general debate shall end at 3.30. As the Senator knows, an amendment has already been offered by the Senator from Idaho.

Mr. BANKHEAD. I do not care about it, but that was the agreement adopted at the suggestion of the Senator from Utah [Mr. SMOOT] and the Senator from Idaho, to continue the general debate until half past 3 o'clock, and after that amendments could be offered and voted upon.

Mr. JONES of Washington. The Senator will remember that I asked the Chair if under the agreement we could vote before 3.30 if the debate was exhausted on a proposition, and the Chair said yes.

Mr. BANKHEAD. I think we can do that.

Mr. JONES of Washington. I wish to offer an amendment to the amendment.

Mr. BANKHEAD. I have no objection. I simply wanted to call attention to the agreement.

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] has the floor.

Mr. SMOOT. I am the last Senator who would violate the unanimous-consent agreement, as the Senator from Alabama knows. The unanimous-consent agreement reads:

It is agreed by unanimous consent that on the calendar day of Saturday, February 8, 1919, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 15308, an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes, through the regular parliamentary stages to its final disposition; and that after the hour of 3.30 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the bill or more than once or longer than 10 minutes upon any amendment offered thereto.

There is not anything in that unanimous-consent agreement which prevents a Senator at any time before 3.30 from offering any amendment and speaking as long as he desires upon that amendment until 3.30.

Mr. BANKHEAD. I suggest that there is no necessity for all this explanation on the part of the Senator from Utah. I said I had no objection in the world to offering the amendment, but I do not think it is complying with the spirit of the agreement.

Mr. SMOOT. I am not going to violate the spirit of any unanimous-consent agreement; and the reason why I read the agreement was because I wanted the Record to show that I was not violating it.

If section 6 is now perfected—

Mr. JONES of Washington. It is not.

Mr. SMOOT. Very well, then I will yield the floor to the Senator to offer his amendment to section 6.

Mr. JONES of Washington. I wish to offer an amendment to section 6; I do not ask the Senator to yield the floor, but I

desired at the proper time to offer it. In line 8, I move to strike out "\$50,000" and insert "\$125,000," and in lines 10 and 11 to strike out "and the sum of \$75,000,000 for the fiscal year ending June 30, 1921."

Mr. President, that does not diminish the amount of the appropriation. I am supporting this provision, and I think a great many of the Senate are supporting it on the theory that the conditions of the country and the conditions likely to confront us justify us in appropriating money not only for the building of good roads, but largely to furnish a sort of reservoir for the employment of idle labor that we will very likely have in this country in the very near future.

If we will need money for that purpose we will need it soon. We are going to need it before 1921, and I believe we are going to need it, and I want to make ample provision for it. I would rather authorize the appropriation of too much money to take care of that situation than to appropriate too small an amount.

So I have offered this amendment to make available this year for good-road purposes \$125,000, to be expended and used under the agency that has been built up and now exists, and that no doubt can use that much money in a very advantageous way. I think there is far more justification for appropriating the money in this way than to have \$75,000,000 provided now for 1921. That is the reason why I offer the amendment.

Mr. KENYON. Mr. President, it seems to me there is force in the position taken by the Senator from Washington [Mr. JONES], but I think the amount is entirely too much. The Senator from Alabama stated on yesterday that with the \$50,000,000 of appropriation there would be some \$170,000,000 available, but the general principle enunciated by the Senator from Washington I am in accord with, and would be willing to vote a sum not to the extent the Senator indicates, but this sum of \$50,000,000 in the bill, if it could be used within the next three months in some way to help with the labor situation, much as I am opposed to this general method of appropriation that there is in the bill.

In line with what the Senator from Washington has said as to the need of our doing something, let me say that at the date of the armistice there was a shortage of labor throughout the United States. The Department of Labor gather in from the different centers of the country statistics showing the labor situation, and report them every week. Four weeks after the armistice was signed there were 25 cities in their list, which I think is about 132, showing a surplus of labor—more men seeking work than there was work. Six weeks later unemployment was reported in 42 cities. The report this week, and this is all outside of the strike question, shows 69 cities reporting a greater or lesser degree of unemployment, and out of 120 important cities reporting the actual number of unemployed by these reports is approximately 292,000 men.

These reports are partial, they do not cover the entire labor situation in the country, and they only are gathered from parts of the employing firms. On the basis of these figures and these reports it is safe to estimate that there are over a million unemployed men in this country now, and this week the statistics show that as to the cities eight more show unemployment than the last week.

As I said a few days ago, it was not so much the number who are out of employment in the country that is alarming as it is the rapid increase in the number. That leads me to say that we ought to devise some method of taking care of this unemployment question. I introduced a bill here that public works should not be confined to roads but should take in all kinds of public works to try and start industry again in the country. There as a psychology to the situation of starting work. Private capital is holding back; somebody has got to start it. If the Government does, it is probable that private industry will follow along, and that is just as important in my mind as is the actual employment of the men by governmental work.

There should be some way in this bill of separating the sums, as the Senator from Washington has attempted to do, and not go to the large amount which he has proposed, because that is an amount which could not be expended by the 30th day of June, 1919, which is the limit of the first appropriation.

Mr. JONES of Washington. The Senator, I think, is mistaken. The Senator from Utah [Mr. SMOOT] stated yesterday that the money for the year 1919 could be used for the whole season of 1919; that the appropriation for 1919 under the road act does not terminate June 30, 1919, but it is for the whole season.

Mr. SMOOT. Or the whole season of 1920.

Mr. KENYON. That amendment, I understood, was defeated.

Mr. SMOOT. No; the amendment that was defeated was to spend it two years after the present act, which says:

So much of the appropriation appropriated for the fiscal year which remains unexpended at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year.

Mr. KENYON. So it would, then, carry the appropriation until June 30, 1920, under that construction?

Mr. SMOOT. Yes.

Mr. JONES of Washington. A year and a half.

Mr. KENYON. I wish the Senator would make that sum a little more reasonable.

Mr. JONES of Washington. I wish to ask the chairman of the committee a question. I understand the chairman of the committee stated the other day that they had reported upon and really approved some three hundred and odd projects under the road act.

Mr. BANKHEAD. Three hundred and ninety-one.

Mr. JONES of Washington. What expenditure would that entail?

Mr. BANKHEAD. About \$26,000,000 of Federal appropriation. Of course, that will be met by the States appropriating a like amount.

Mr. JONES of Washington. I think there is a lot of force in the suggestion the Senator from Iowa makes. What would the chairman say as to the possibility of a wise expenditure of \$125,000,000 for roads between now and the 30th of June, 1920?

Mr. BANKHEAD. My judgment and the judgment of the Secretary of Agriculture and the Roads Department is that not more than \$60,000,000 additional to the amount appropriated in the old law can be expended during the fiscal year 1919.

Mr. KENYON. That would take it up to June 30, 1920; or would it be June 30, 1919?

Mr. BANKHEAD. I call the attention of the Senator from Washington to the fact that under the law as it now is, or under the amendment which we have offered as it now stands, the amount available for the balance of the fiscal year from now until the 30th of June would be \$190,000,000.

Mr. KENYON. That will be available.

Mr. BANKHEAD. That will be available between now and the 30th of June of this year.

Mr. KENYON. If you add this \$75,000,000 to it you have up to \$265,000,000, and that can not be used economically, at least.

Mr. BANKHEAD. I think that is more than they could possibly spend.

Mr. JONES of Washington. But would not that be available until June 30, 1920, giving them an additional year?

Mr. BANKHEAD. The first of the coming July there will be available \$190,000,000, which can be immediately used, making a total of \$360,000,000 available for the remainder of this fiscal year and the year 1920. He does not believe that the States can match more than that, if they can do that.

Mr. JONES of Washington. It does not look to me like we ought to appropriate anything for this year.

Mr. BANKHEAD. These are the figures. You want to increase and I do not.

Mr. KENYON. One hundred and seventy million dollars are now available. That ought to be enough.

Mr. BANKHEAD. If this \$50,000,000 is added.

Mr. KENYON. With \$50,000,000 added to \$120,000,000.

Mr. BANKHEAD. No; \$70,000,000.

Mr. KENYON. And now the Senator from Washington proposes to add \$75,000,000 additional, making \$195,000,000.

Mr. BANKHEAD. It would make \$190,000,000 for 1920.

Mr. KENYON. To be used entirely on roads. Would it not be wiser, from the standpoint of unemployment, not to put so much to roads and put some part of these funds to other great public works that will give employment to labor, such as public buildings or reclamation projects, or even canals where they are necessary? With the statement made by the Senator from Alabama, I would not be willing to vote to increase this \$50,000,000, but I would be willing to vote for the \$50,000,000 to be immediately available, and I would vote for it wholly on the theory of a labor proposition to give employment to labor in the times that are ahead of us.

I will not vote for the other two provisions of \$75,000,000 each, as I have heretofore said; but if they could be differentiated from this \$50,000,000 in some way—because I believe, as has been expressed here, with the condition of our finances in this country that some time we have got to begin and stop some of these appropriations. I do not know that we ever shall. We have the cheerful information here, when the chairman was asked where the money was coming from, "That is not our business; that is the business of the Finance Committee." The business of Senators is to attend dinners at night and vote

appropriations in the daytime, I suppose. Let the people pay. We are going to have \$12,000,000,000 of expenses next year. What do we care? Let the people pay. That is the theory of Congress.

The last election, in my judgment, went against the Democratic Party not so much because of the President's letter, to which some Republicans like to ascribe it, as because of the feeling in the country about the wasteful and indefensible extravagance of Congress. The people are going to understand pretty soon the motto of each political party—"Let the people pay."

The Democrats went down largely because of that. If the Republicans come into power and keep on with these same kind of appropriations, practically leaving nothing for the States to do, and having the Federal Government as a great Santa Claus to deal these things out, the Republican Party will be driven out of power also, and I hope it will, if it goes on with that kind of a program. Pretty soon we will find that there will be a taxpayers' party in this country, as well as two tax-eaters' parties.

What a scene here in this Chamber a few days ago when Senators got up and talked about "our share—our State getting its share." Senators said to me, "Why, under this bill your State gets more than it puts in." That seemed to be an argument that nobody could refute. I have stood at this desk and fought appropriations some people in my State wanted, and I am going to continue to do so, because I have the conception—I may be wrong—that I am a Senator of the United States, and not simply trying to get my hands into the Public Treasury and get something for my own State. At some time we are all going to get around, I hope, to that platform. That does not mean, of course, to fight every appropriation that comes along. We have got to have money for great works in this country; but the idea seems to be to get "our share." I have seen Senators stand here and heard them solemnly talk about the "share of their State." What is this Public Treasury—merely a grab bag, to get "our part" and "our share"?

Both political parties declared practically for a budget system in 1916. How far have we gotten with it? How far will we get with it? We have from 27 to 29 committees in the Senate and in the other House, all appropriating money, with no regard one for the other, and no coordination one with the other. There is no business on earth that could last 60 days carried on in that kind of fashion. Economists of this country and business men are for it; the Chamber of Commerce of the United States have voted practically unanimously on the question of a budget, pleading with Congress for some kind of a budget. But, no; we will not give up the powers of different committees to appropriate money. Let the taxpayer go; let the people pay? What do we care? As the Senator from Colorado [Mr. THOMAS] said the other day, "Let the taxpayer kick; he needs the exercise." The principle now is "less taxes and more appropriations." It can not be done. If these appropriations are to go on, then heavy taxes must be levied. But the taxpayer is going to wake up pretty soon and take his exercise at the ballot box, for this country is piled up now with about all the taxation it can stand.

In the House of Representatives I notice that there is a proposition backed by the chairman of the Appropriations Committee and by one of the Republican leaders for a budget commission. I am delighted to see that. There is on the calendar a bill for that purpose in the Senate, which was introduced by myself. I asked that the Appropriations Committee be discharged from its consideration, and I finally got the bill on the calendar, but there has been no chance to get it up. I propose after the 4th of March, if we can not tack it onto some of these appropriation bills, to make it my business to see if we can not get such a plan and get some information before Congress from economists and students of these questions as to a budget plan that we can adopt and have some correlation between our income and our expenditures.

Much as I believe in good roads, much as I have urged them in my State, I am not willing to go into such a plan as this, which is increasing now by leaps and bounds over the act which we passed in 1916, which was a fair act, and which went to our limit in times of peace to stimulate road construction; but we are blossoming out now with \$200,000,000 more, and in another year or so we shall find another \$200,000,000, and eventually this barrel will get to be the greatest pork barrel that we ever have had in the American Congress.

Mr. WATSON. I should like to ask the Senator from Iowa a question.

Mr. KENYON. I yield to the Senator.

Mr. WATSON. The Senator from Iowa has been studying the budget system for a good while, and I desire to ask him, is it

possible to adopt a budget system unless we have but one appropriations committee?

Mr. KENYON. Oh, yes.

Mr. WATSON. Is it workable, even with the present system of committees on the other House and in the Senate?

Mr. KENYON. Yes; but I will say to the Senator that I do not believe it is as workable with so many committees as we now have as it would be if the committees were cut down. But those are all matters of information, I will say to the Senator, that will come out if a commission be appointed to report to Congress within a reasonable time.

Why should there not be such a commission? I have talked to Senators here who said, "Why, we do not propose to have some one from the outside tell us about our duties." Then, if you ask them what a budget system is, they say, "We do not know."

That is all I have to say, but I thought I had better take my 10 minutes now instead of later.

The PRESIDING OFFICER. The Chair desires to suggest to the Senator from Washington [Mr. JONES] that the amendment which he offered is divisible. The last section of his amendment covers an amendment which was adopted before the present occupant of the chair took the chair. The Chair will therefore be compelled to rule that the vote must first be taken upon the first division of the amendment.

Mr. JONES of Washington. I think the Chair is wrong. The last part of my amendment was not adopted on yesterday. I tried to strike that out, but failed.

The PRESIDING OFFICER. But let the Chair suggest that there has been a vote of the Senate to retain the clause which the Senator now seeks to strike out.

Mr. JONES of Washington. Yes; but there has not been a vote of the Senate on the proposition to increase the first appropriation to \$125,000,000 and to cut the other out. That is all one proposition; that is one amendment, so far as I am concerned; but I will leave that to the Chair.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment should be divided under the circumstances, there having been an affirmative vote refusing to strike out the second section.

Mr. JONES of Washington. Very well; but to my mind the amendment is not divisible, because it is one proposition; the one hangs on the other; but I appreciate the fact that probably the Senate might insist on a division. I want, however, to ask the chairman of the committee a question or two.

Leaving out the provisions of this bill entirely, I want to ask the chairman of the committee how much money is available, up to the 1st of July, 1919, for road-building purposes, under the act of 1916?

Mr. BANKHEAD. Seventy-five million dollars, including that which has already been expended.

Mr. JONES of Washington. And without this provision here how much would be available during the fiscal year ending June 30, 1920?

Mr. BANKHEAD. Twenty million dollars.

Mr. JONES of Washington. That would make \$95,000,000 altogether, that either has been expended or is available for those years?

Mr. BANKHEAD. No; there could not be but \$75,000,000 available for the five years. Twenty million dollars of that appropriation has not been expended for 1920.

Mr. JONES of Washington. I want to get this clear. I do not want any account taken of this division of the bill here at all.

Mr. BANKHEAD. I understand.

Mr. JONES of Washington. Under the act of 1916, how much is available up to June 30, 1919?

Mr. BANKHEAD. Unexpended?

Mr. JONES of Washington. Unexpended.

Mr. BANKHEAD. I think that I answer correctly when I say that, under the original law to which the Senator refers, for the fiscal year of 1920 there can not be more than \$20,000,000 available, because that was all that was appropriated for that year.

Mr. JONES of Washington. There are \$26,000,000 now available up to June 30, 1919, under the 1916 act? Is that correct?

Mr. BANKHEAD. That depends upon how much is unexpended for the year 1919.

Mr. JONES of Washington. We are on the year 1919 now; and how much has the department available to spend up to June 30, 1919—this year?

Mr. BANKHEAD. Fifteen million dollars for 1919—this year—and for 1920, the next year, \$20,000,000. It is \$15,000,000 for the year 1919.

Mr. JONES of Washington. Fifteen million dollars for the year 1919 and \$20,000,000 additional for 1920 would make only \$35,000,000.

Mr. BANKHEAD. That is all.

Mr. JONES of Washington. That is not quite so large as the \$190,000,000 or the \$380,000,000 we were talking about a while ago.

Mr. BANKHEAD. That includes the proposed increase in the appropriation.

Mr. JONES of Washington. I know; but we have \$15,000,000 now for this year, and if we appropriate the \$125,000,000 I propose, that would only give \$140,000,000. So that the appropriation is not so formidable as the figures given a while ago would lead us to believe. I had about reached the conclusion to withdraw my amendment—

Mr. BANKHEAD. Mr. President, if the Senator will examine page 3 of the report he will find all of these figures worked out.

Mr. JONES of Washington. I have not had time to do that.

Mr. BANKHEAD. I can not carry all the figures in my head.

Mr. JONES of Washington. I know the chairman of the committee has looked into the matter very carefully.

Mr. BANKHEAD. I have; but I am obliged to refer to the figures in order to be strictly accurate.

Mr. JONES of Washington. I thought the Senator could give me the information without any trouble or delay.

Mr. BANKHEAD. I said that there was \$15,000,000 available for 1918 and \$20,000,000—

Mr. JONES of Washington. The Senator from Michigan [Mr. TOWNSEND] suggests to me that there was \$70,000,000 carried over from the preceding year.

Mr. BANKHEAD. That includes both the State and Federal appropriations.

Mr. JONES of Washington. I do not care anything about the State appropriations. What I want to know is the amount available from the National Treasury to aid in the improvement of these roads.

Mr. SWANSON. Mr. President, if the Senator will permit me, here is a statement of it: For the fiscal year 1919, the present fiscal year, there will be available \$35,000,000 from the Federal Treasury, which must be met by an equal amount from the State treasuries, making \$70,000,000. The additional appropriation from the Federal Treasury of \$50,000,000, to meet which an additional amount of \$50,000,000 from the State treasuries must be appropriated, will make available for road improvement under this law from both Federal and State sources \$170,000,000 for the fiscal year 1919.

Mr. JONES of Washington. Yes; but I want to leave out what the States are providing.

Mr. SWANSON. The States would pay \$85,000,000, or one-half of the total amount, a sum equal to the amount paid by the Federal Government this year.

Mr. JONES of Washington. The Senator says that we have available for this year on the part of the United States \$35,000,000.

Mr. SWANSON. In round numbers; yes.

Mr. JONES of Washington. Outside of what we propose here; so that if we add \$50,000,000, it will make \$85,000,000.

Mr. SWANSON. It will make \$85,000,000 available from the Federal Treasury.

Mr. JONES of Washington. And if we add \$125,000,000 more, the total amount from the Federal Treasury will be \$160,000,000?

Mr. SWANSON. Yes. If the Senator wants to know the amount for 1920, the original Federal act gave \$20,000,000 for that year; an equal amount from the States to meet that would be \$20,000,000 more; the additional Federal appropriation for 1920 of \$75,000,000 and an equal amount from the States to meet that of \$75,000,000 would make a total of \$190,000,000 to be expended during 1920 under the law for Federal aid. If the bill goes through carrying the provisions for 1921, the amount available would be as follows: From the original Federal appropriation, \$25,000,000; an equal amount from the States, \$25,000,000; the proposed additional Federal appropriation contained in the amendment to the pending bill, \$75,000,000, and an equal amount from the States of \$75,000,000, making in all \$200,000,000 available for this purpose, one-half to come out of the Federal Treasury.

Mr. JONES of Washington. Mr. President, we have not very much money available for the year 1919 when we come to consider the probable demands that are likely to be imposed upon us. Thirty-five million dollars will not go very far in the employment of the million men whom the Senator from Iowa [Mr. KENYON] says are out of employment now, which number is increasing very largely every week. I agree with him that we

do not want to put into road building all of the money that is intended for the employment of labor; not at all; but we can put a larger amount than is now available in road building. We ought also to put several million dollars in irrigation works, as the Senator from Iowa suggests. As I stated yesterday, I have presented an amendment appropriating \$50,000,000 for irrigation projects actually approved and under way, on which work can progress immediately, because we must not overlook the fact that if we want to do good, so far as the unemployed are concerned, we must get ready to make money available for it right away, and not in 1920 or in 1921.

The Senator from Iowa suggests that we ought to take advantage of the psychology of the times. I suggested that yesterday, and that is right. The National Government ought to go ahead. If it can not go ahead, or if it will not go ahead, how can we expect private enterprise to go ahead?

In line with that, Mr. President, I ask to insert in the RECORD, as a part of my remarks, an address delivered by N. B. Coffman, president of the Lewis County Reconstruction Congress, at Washington State Reconstruction Congress, at Tacoma, January 9, 1919, the point of which, the motto of which, is "go ahead." It expresses what I believe to be the real thought and desire of the country and the real necessity for the kind of action that the situation to-day requires.

The PRESIDING OFFICER. Without objection the address referred to will be printed in the RECORD.

The address referred to is as follows:

"GO AHEAD."

[Address of N. B. Coffman, president Lewis County Reconstruction Congress, at Washington State Reconstruction Congress, Tacoma, Jan. 9, 1919.]

Let the people of the State of Washington grapple the subject of reconstruction with unfaltering faith and enthusiastic courage. Go right ahead now and do the big things in private enterprise and public betterment that they believe should or must be done soon. Then there will be no unemployment, no slacking up in business, no uneasiness about the future.

The normal condition of business as following the great war is, will be, and should be, if not checked by doubt, hesitation, and pessimism, one of enlargement and general prosperity arising out of multiplied resourcefulness and opportunity for trade expansion.

The keynote should be, "Go ahead."

Go ahead with the big plans for National, State, and county highway construction. Go ahead with the National and State land-settlement program.

Go ahead with big public improvements.

Go ahead with transportation equipment and facilities for enlarged handling of traffic.

Go ahead with employment of private capital for every manner of enlargement and betterment of manufacturing, trade, commerce, and housing. From the repairing of the pig sty to the construction of a labyrinth system of nation-wide, nation-built, paved post highways, go ahead.

Every great war has been followed by a period of prosperity, wages and commodities climbing to new high levels after the war. The shilling was the day's wage before the Revolutionary War. After it the day's wage stood around 4 shillings. The 50-cent wage before the Civil War climbed to \$1.50 level after the war. The \$2 wage before the great war has mounted to \$4, with shorter hours. The wage scale may fluctuate. It will not permanently recede to any great degree. Prices of commodities have always followed the same trend. Antewar prices have gone for good. It is not cause for regret or apprehension, rather for congratulation and assurance. There will be no sudden or great drop unless forced by a holding back from normal industrial activity. If we do hold back and force a drop, it will come with a jar and a shock that will cost immeasurably more than the saving in wages and prices of commodities.

An operator in the Central West of nation-wide standing and recognized foresight analyzes the future in this way:

"In my opinion the United States is in for several years of very prosperous conditions. Of course, I may be wrong, but my conclusions are predicated upon the facts and conditions outlined below, to wit:

"1. For four and a half years Europe has been engaged wholly in the work of destruction, producing only such things as would aid in destruction."

After destruction must come construction. Go ahead, America, with European construction and rehabilitation.

"2. The supply of raw material, textiles, and other products which Europe does not itself produce has been depleted because of requirements incident to the war and consumption or replenishment."

People of western and central Europe must be housed, clothed, and fed. Go ahead, America; supply Europe with lumber, clothing, and food.

"3. The steel industry of the United States, as well as other of the larger industries, since the beginning of the war has been engaged practically 100 per cent in war work."

Traffic calls for trucks; the people, automobiles; farmers, tractors; railroads and builders, steel. Go ahead, steel plants; supply big business with its needs.

"4. For 18 months the industrial energy of the United States has been engaged in the single purpose of winning the war, during which time production has not been maintained at its normal ratio, resulting in a depleted supply of materials of every character."

Turn to, now. Push ahead, industry. Get back to normal. Replenish the supply. Go ahead.

"5. Farm products have been at a high price in the United States since 1914, and the farmers are more prosperous than they ever were before."

Busy manufacturing and construction activities mean much employment and large consumption and maintaining of good prices for food-stuffs. Prosperous farmers buy freely, improve, and build. Go ahead. When the farmer prospers all business is good.

"6. Prices of farm products will remain at a high level at least for the next 12 months, for the reason (a) the world is short of fats and

(b) while there is no grain shortage the price of wheat has been guaranteed by the United States Government for next year. This insures prosperity for farmers, as they will have a large acreage of wheat and a small corn acreage, resulting in the high prices for corn."

Go ahead, farmers. Plant confidently, cultivate carefully. Produce more abundantly. The world awaits eager and hungry for your products. Go ahead in full assurance of profitable prices.

"7. The world is short some 20,000,000 tons of shipping, and during such shortage the natural tendency will be for Europe to purchase her supplies from the nearest sources of production. For instance, a ship can make three round trips between New York and Liverpool in the time which it would be required for one trip to Sydney, Australia. Consequently, products of the United States will be favored over those of Australia and other distant countries of the world."

Commerce and traffic, wake up. The United States of America is the world's near-by storehouse. Build docks, wharves, terminals, ships, and traffic equipment. Get ready quickly. New and great markets map their boundaries across seas. Go ahead.

"8. Reconstruction of the areas of devastation in Europe must necessarily require immense quantities of raw materials and other products." Who is to supply them? We who have the materials in greatest abundance. It is our opportunity. Let's go ahead.

"9. The United States is practically the only industrial country in the world whose industries have not been completely disrupted and which is in a position to furnish the requirements of the other peoples of the world."

We are the world's most resourceful people. Shall we not plan and undertake and accomplish up to our mighty man capacity? Or shall we sit by, occupied in matters of small moment, and fritter away our ability and our opportunities to do big things in a big way? No. Master minds must find a master's work. We must go ahead.

"10. The United States is the only country whose financial condition will enable it to assist the nations of Europe in replenishing their depleted supplies."

The United States comes out of this war the world banker. A good banker is always constructive. He builds up and makes resourceful his clientele and thus increases his business. We as a Nation can prosper only in so far as we strengthen and stabilize the brother nations with whom we have trade and traffic. It is up to us to replenish the depleted coffers of European nations. We must go ahead.

"11. During the past four and a half years there has been practically no building in the United States other than for industrial requirements and industrial housing purposes. In 105 cities of the United States delayed building amounts to more than \$3,030,000,000."

If you are planning to build soon, build now. In an on-moving world to pause is to fall behind. The community that stops building stops growing. Go ahead; build.

"12. The rural districts of this country have experienced great prosperity, but have been unable to expend their money for betterments and improvements on account of Government prohibitions. For the same reasons the same conditions prevail in other sections of the United States, building operations not having been able to keep pace with normal requirements."

Manufacturers and dealers in building materials, stock up. Get ready for the spring demand. It is coming. It must come. Go ahead with turning out products. Place your orders now.

"13. Business can not of itself pick up until more shipping is available. As already stated, the world's shipping is some 20,000,000 tons short, but the United States will commission a million tons during November and December and peace will release four or five million tons of German shipping. In addition, the shipping heretofore required to transport men and munitions abroad will soon be available for carrying other supplies. So, with the opening of spring, the return of our troops should add a stimulus to business, and we should experience a demand for our products such as we have never before. With the probable exception of steel, the production of the basic industries of the United States has not increased, but has been depleted. There have been no new investments or developments and old developments have been operated to their maximum capacity. By reason of such operations and enforced production a state of depletion has been brought about which has not been replaced. Consequently it is doubtful if the productive capacity of the country will be able to meet future demands."

Capital, come out of your tenuity. Cut loose. Invest in productive and carrying enterprises. Business is bound to be good and profits are assured. Don't hesitate. All-round courage compels good times by forcing things to move. Venture boldly into business. This is a country whose resources in men and materials have only been scratched over. Go ahead. Invest.

"14. Present stocks of practically all commodities are low, and this is especially true of lumber, which is only 46 per cent of normal at the mills and 75 per cent of normal with the retailers."

With business soon humming as it will be, normal stocks will be short of the demand. Catch up on that 54 per cent and 25 per cent shortage and then some. Go ahead.

"15. With the plentiful supply of money now existing, the high price of food products, and the probable demand for the total capacity production of American industries, is it at all logical to conclude that business is going to be poor?"

No; it is not logical or at all probable. Money is abundant for commercial and industrial upbuilding. Use it. Keep away from speculation. Productive use will not breed disaster. Keep on the job and there need be no setback. Everybody turn to and work. No loafers, no hungry. No one without employment. The State and the Nation can furnish plenty of work to take up the slack. Everybody everywhere get busy. Keep busy. Go to it. Go ahead.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator if increasing this appropriation from \$50,000,000 to \$125,000,000 will not be futile in view of the enormous amount of work it is necessary to do in order to prepare for this work? Is it possible to arrange a plan and have a proper determination made by June 30, 1919, for the expenditure of \$125,000,000 on road work?

Mr. JONES of Washington. I wish to suggest to the Senator that under the law—this is the construction of the Senator from Utah [Mr. Smoot], but I have no doubt that he is correct—if this money is not spent prior to the first of July, 1919, it will be available throughout the whole year 1920. Therefore, if they have not the plans ready, of course they have got to get

them ready. They have been working under this law since 1916, and if they have not the plans perfected to provide for the expenditure of more than twenty or thirty million dollars, it probably will be half a century before they can provide for the expenditure of \$125,000,000; but I think they will "get a move on" if they have the money, and will get their plans ready, so that the money may be expended.

Mr. SHAFROTH. But does not the Senator recognize that under a spur of that kind they are apt to make many mistakes, and consequently waste a large part of the money upon roads that are not needed or upon roads upon which there is light travel or upon roads which would perhaps require a different construction from that proposed?

Mr. JONES of Washington. Mr. President, under the provisions of section 5, as it has been adopted, if it becomes a law, I do not think they will have very much trouble in ascertaining places at which to spend the money. I do not like that section myself; but, Mr. President, in view of the statement and the showing made here and the apparent opinion of the chairman of the committee that even if we appropriate this amount of money they could not expend it, I am going to withdraw my amendment. I think the statements that have been made demonstrate conclusively that the amount for 1920 and 1921 should not be appropriated in this bill; but, even if they are not eliminated, I think I shall vote for the bill, in order to make available the money for 1919, in the hope that the next Congress will eliminate the appropriations for 1920 and 1921 until the time comes when we know what we want, what we need, and what we can properly take care of. I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Washington is withdrawn.

Mr. SMOOT. Mr. President, I offer an amendment as a substitute for section 6.

The PRESIDING OFFICER. The amendment will be stated. The Secretary proceeded to state the amendment.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kendrick	Myers	Swanson
Bankhead	Kenyon	New	Thomas
Chamberlain	King	Overman	Thompson
Colt	Kirby	Page	Townsend
Cummins	Knox	Pittman	Trammell
Fletcher	La Follette	Pollock	Underwood
France	Lenroot	Pomerene	Vardaman
Frelinghuysen	Lewis	Ransdell	Warren
Gore	McCumber	Shafroth	Watson
Hale	McKellar	Sheppard	Weeks
Henderson	McLean	Smith, S. C.	Wolcott
Johnson, Cal.	McNary	Smoot	
Jones, Wash.	Martin, Va.	Spencer	
Kellogg	Moses	Sterling	

Mr. McNARY. I desire to announce that the Senator from Montana [Mr. WALSH], the Senator from Kansas [Mr. CURTIS], the Senator from New Mexico [Mr. JONES], the Senator from North Dakota [Mr. GRONNA], and the Senator from Idaho [Mr. NUGENT] are absent on official business of the Senate.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. SMOOT. Mr. President, I wish Senators would give attention to the reading of my proposed substitute for section 6 of this bill. I assure Senators that if they have any regard for the Treasury of the United States, and desire to establish in this country a complete nationalized system for road building, they will support this proposition.

I ask now that the substitute may be read by the Secretary.

The VICE PRESIDENT. The substitute offered by the Senator from Utah will be stated.

The SECRETARY. In lieu of section 6, on page 37, it is proposed to insert the following:

That in order to establish, construct, improve, or maintain public roads that are now or may hereafter be needed for use as post roads, military roads, or for interstate commerce, there be, and hereby is, created a fund to be known as the United States highway fund. Said fund shall be raised in the manner herein provided, but the Treasurer of the United States is hereby authorized to receive and place to the credit of said fund any money that may be contributed from other sources and to expend the same upon the order of the United States Highway Commission or in accordance with the conditions of the contribution.

That for the purpose of providing money for the United States highway fund the Secretary of the Treasury is hereby authorized and directed to issue and sell, at par with accrued interest, coupon or registered bonds of the United States in such form as he may prescribe and in denominations of \$20 or multiples of that sum, said bonds to be payable in coin 50 years from the date of issue and to bear interest, payable in coin semiannually, at the rate of 3 per cent per annum, the total amount of said bonds not to exceed \$1,000,000,000, and the issue and sale of same not to exceed such amounts as may be necessary from time to time to enable the Treasurer of the United States to make payments

from the United States highway fund to the several States in accordance with the provisions of this act. Bonds issued under authority of this act, or the income therefrom, shall not be subject to taxation of any kind for any purpose. Bonds authorized by this section shall be first offered at par as a popular loan under such regulations prescribed by the Secretary of the Treasury as will give opportunity to the citizens of the United States to participate in the subscriptions to such loan, and in allotting said bonds the several subscriptions of individuals shall be first accepted and the subscriptions for the lowest amounts shall be first allotted. Any portion of any issue of said bonds not subscribed for as above provided may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, but no commissions shall be allowed or paid thereon; and a sum not exceeding one twenty-fifth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

That before any State shall be entitled to take advantage of the provisions of this act it shall establish by law a State highway commission having general supervision of road construction and improvement in that State, which said commission shall have general supervision of the expenditure of money received from the United States highway fund, subject only to the provisions of this act and of State laws not inconsistent herewith.

That the United States highway fund shall be apportioned and credited to the several States in the following manner: The United States highway commission, hereinafter created, shall ascertain in the most practicable manner from the best information available the total land area, the population according to the last Federal census, the total assessed valuation of all taxable property, and the total mileage of public highways in each of the several States, and shall compute the percentage of the total of each of these four items possessed by each State. They shall then compute the average of the four percentages for each State, and this average shall be the per cent of the \$1,000,000,000 United States highway fund that shall be apportioned and credited to each State. Said commission shall notify the Treasurer of the United States of the result of their ascertainment and computation, which shall be made as of a date to be fixed by the commission. Such fund so apportioned shall be paid to the States only in accordance with the provisions of this act.

That whenever any State, through its duly authorized agents, shall apply for any part of its share of the United States highway fund, but not exceeding 20 per cent thereof in any year, and shall deposit with the Treasurer of the United States its bonds for such amount payable in 50 years and bearing interest, payable semiannually, at the rate of 4 per cent per annum, the Secretary of the Treasury shall issue and sell, at par and accrued interest, in the manner prescribed in section 2, United States highway bonds to the amount that may be necessary to pay to said State the amount of money applied for, and upon the sale of said bonds shall pay over the proceeds to the custodian of the public funds of the State: *Provided*, That the bonds of any State shall not be accepted if the total amount of bonds of such State, including the bonds issued to take advantage of the provisions of this act, shall exceed 10 per cent of the amount of the assessed valuation of all taxable property in such State: *Provided further*, That any State desiring to do so may deposit with the Treasurer of the United States its 4 per cent bonds maturing in not less than 20 years, or may redeem its 50-year bonds at any time after 20 years from date of issue, but upon redemption of such bonds, whatever the period for which issued, such State shall pay to the Treasurer of the United States, in addition to the balance due on the principal after deducting the accumulated sinking fund, a premium of 2 per cent on such balance due on bonds redeemed, together with accrued interest. When the Treasurer of the United States shall receive any payment of interest on State bonds deposited in the manner above provided he shall devote three-fourths thereof to the payment of the interest due on the corresponding United States highway bonds, and one-fourth, herein designated as a sinking fund, he shall deposit in the Treasury of the United States to be used from time to time for the redemption of United States highway bonds as provided herein. The Treasurer of the United States shall keep an account with each State that shall deposit bonds and receive funds under the provisions of this act, and shall credit said State with interest compounded annually at the rate of 3 per cent per annum on the sinking funds paid in. Money received upon the principal of State bonds shall also be credited to the sinking fund, but no interest credit shall be allowed the State thereon. At the time of the maturity of the bonds deposited by any State, if all payments have been made when due, the Treasurer of the United States shall cancel said bonds and return them to the State issuing the same. Whenever and each time the sinking fund accumulation shall amount to \$1,000,000, then the Secretary of the Treasury shall, and he is hereby directed to, go into the open market and purchase, at par if possible, \$1,000,000 of value of the United States highway bonds. If unable to purchase all or any at par, then he is authorized and directed to pay such premium as necessary, determined by competition after public notice of not less than 30 days, but not exceeding a premium of 2 per cent and accrued interest. If he be unable thus to secure the full amount of bonds necessary to comply with this provision, then he is authorized and directed to call at par, plus premium of 2 per cent and accrued interest, such bonds, determined by drawing of bond numbers from among the largest denominations outstanding, as will make up the \$1,000,000 purchase. These bonds thus purchased out of the sinking fund accumulation shall be retained in the United States Treasury, being stamped by the United States Treasurer "Nonnegotiable," but "kept alive," in order that the United States Government may receive for the sinking fund the benefit of the interest payments on the bonds thus purchased.

That on the 1st day of February of each year the Treasurer of the United States shall pay to the custodian of the public funds of each State, from any funds in the Treasury not otherwise appropriated, an amount of money equal to 2 per cent of the amount of State bonds said State has deposited with the Treasurer of the United States under the provisions of this act. The money so paid shall be expended by said State only in the maintenance of public highways. The Treasurer of the United States shall withhold the payment of money to any State under the provisions of this section in the event that such State default in payment of any interest or principal due, or in the event that the United States Highway Commission herein created shall certify to said United States Treasurer that money theretofore paid to said State for maintenance purposes has not been expended with reasonable effectiveness for the maintenance of public highways or that the State has failed to expend an equal amount of its own funds during the preceding 12 months for the same purpose.

That there is hereby created a United States Highway Commission, to be composed of the chairman of the Senate Committee on Post Offices and Post Roads, the chairman of the House Committee on Roads, and

the Director of the Office of Public Roads. Such commission shall have only an advisory voice in the expenditure of the United States highway fund in the several States. It shall have its head office in the District of Columbia, but may create highway divisions, never exceeding in number one for each State, and may maintain a division office in charge of a United States highway engineer in each division. Said commission shall have power to employ such clerical and expert assistance as may be provided for by appropriations made by Congress from time to time, and may require the assistance and cooperation of the officers and employees of any department in its work.

That for the further aid and encouragement of highway improvement in the several States, the United States Highway Commission shall maintain in the District of Columbia a school for special instruction in practical highway and bridge engineering, the entrance requirements of which school shall include completion of preparatory courses in civil engineering and such other studies as the commission shall specify qualifying the student to enter upon the special study of the practical problems of highway and bridge engineering. The rules, regulations, and curriculum of said school shall provide for instruction for two years for one student from each congressional district, selected by competitive examination, but if there be no qualified applicant for admission from any congressional district such vacancy may be filled by the admission of a student from some other congressional district in the same State. Upon the admission of a student to the school of highway engineering such student shall be paid, as traveling expenses, 4 cents for each mile of distance necessarily traveled in going from his home to Washington, D. C., and at the end of each calendar month thereafter during the continuance of such student in said school he shall be paid \$50 to cover living and incidental expenses. The United States Highway Commission shall make rules and regulations for the management of said school and shall have entire control of same, subject only to the Constitution and laws of the United States. In connection with said school said commission shall maintain a testing laboratory in which said commission shall cause tests to be made of road or bridge building material free of charge at the request of the duly authorized highway officials of any State.

That for the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the United States Treasury not otherwise appropriated, the following amounts, or so much thereof as may be necessary:

For the payment of salaries of clerical and expert assistance for the United States Highway Commission, \$10,000.

Mr. SMOOT. Mr. President, in May, 1916, when the first appropriation was made, similar to the one that is now proposed, for road building in the United States, I offered this substitute; but it was not agreed to by the Senate, and in offering it at that time I had no hope of its being accepted. I was told then that the appropriation proposed of \$75,000,000 was an emergency matter; that it ought to be appropriated for the building of roads at once, although it extended over the period of five years, dividing, I may say, the \$75,000,000 into five payments, to be expended under the act of April 16, 1916. I said at that time:

Mr. President, we are about to enter upon a policy of road building in the United States in which the Government of the United States is asked to participate. It is my belief that whenever that policy is entered upon by the Government the very best plan that can be devised by mortal man ought to be put in force at the beginning; and it is for that reason that I have submitted the amendment as a substitute for the committee amendment.

I also stated:

I do not want to take any credit whatever for the preparation or the working out of this great plan of road building. It is not due me; but in passing I want to say that above all and foremost in the drafting of this legislation stands the ex-Senator from Oregon, Jonathan Bourne, jr.

The act creating the Joint Committee on Federal Aid in the Construction of Post Roads became effective August 24, 1912, and a joint committee of five Members of the House and five Members of the Senate was appointed, consisting of the following: From the Senate, Jonathan Bourne, jr., chairman, Senators PENROSE, GRONNA, SWANSON, and OVERMAN. Appointed by the Speaker of the House were the following: Congressman SHACKLEFORD as vice chairman of the joint committee, with Congressmen LEE, McGillicuddy, MADDEN, and AUSTIN.

Shortly after organization the work began, and for 21 months they continued their labors before submitting their report to Congress. The data that were collected were presented in 17 chapters. I do not care how long the question of good roads may be before the people for consideration, the information collected, tabulated, and printed by this committee can always be referred to as the very best that it was possible to obtain in the world up to that time.

Now, Mr. President, I am fully aware that the building of good roads in the United States is one of the great and popular questions of the day. I am fully aware that the roads in the United States, taken as a whole, are not what they should be, and that in the near future there will be perhaps billions of dollars spent for the building and maintenance of good roads in this country. I might add that it is absolutely necessary, not only for the convenience of the traveling public, but for the convenience of the farmer to transmit his products to market, and, as a whole, I agree that the building of good roads is an investment on the part of the State and, where great highways are built, on the part of the Government. This substitute bill simply means, in substance, that the States will build the roads within the States, under State control, under State direction, and the work is to be paid for by the States through the Government of the United States lending its credit to the different States of the Union.

The substitute bill authorizes the Secretary of the Treasury to sell a billion dollars' worth of Government bonds, drawing 3 per cent per annum; and it provides that the States, after the

sum due them under the provisions of the bill is ascertained, can have each year one-fifth of the amount. The States issue their own bonds. They can make application for the amount of the bonds deposited with the Treasury, provided the amount is within the amount allotted to them, the bonds to bear 4 per cent interest. The 1 per cent difference in rate of interest for the term of 50 years, with interest compounded as provided in the substitute, at the end of that time will pay the bonds in full and whatever expenditures provided for in the substitute. The debt amortizes itself in that time. The States simply pay interest at 4 per cent on the money they receive from the Government of the United States to build their own roads through the credit of the Government of the United States, and the difference between the interest rate for which the Government can sell its obligations and that which a State pays the Government—namely, 1 per cent—in 50 years pays off the obligation as originally made by the States.

No one can doubt this. It is as simple a business proposition as was ever presented to Congress. If there were any doubt about it, Mr. President, I would not be asking the Congress of the United States to authorize the issuing of these bonds; but I know that if the Secretary of the Treasury follows the directions of the bill—and he can not do otherwise—and places three-fourths of 1 per cent of the difference in the rate of interest in the Treasury of the United States, and, whenever there is a million dollars placed there from interest upon the bond, obligations of the Government must be purchased with that three-fourths of 1 per cent; the interest is compounded, and at the end of 50 years the Government will have enough money in the Treasury of the United States to pay the billion dollars of bonds.

Some may say that while we are placing bonds by the billions upon the market to-day, perhaps it would be impossible to place these 3 per cent bonds. These bonds are nontaxable bonds, and I have little doubt but that they can sell \$200,000,000 of them each year for five years, and that is all that could be sold under the bill. I do not believe, of course, that all the States will take every dollar allotted to them, and therefore not as much as \$200,000,000 of the bonds of the Government would have to be sold yearly. The amount would be whatever the States decided they wanted to spend upon the roads within the States, but it could amount to as much as \$200,000,000.

No one, then, could say that the Government of the United States was taking from the taxes of the people money to build roads in the States upon some kind of a plan, and, as has been charged here, an unfair and discriminatory plan at that. Under existing law, I will say, there is more or less justification in saying that the distribution of the money is not fair and non-discriminatory between States; but under the plan of my substitute I can not believe that anyone can think for one moment that it is unfair, for the allotment is based upon the total land area of the States and—

Mr. VARDAMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I do.

Mr. VARDAMAN. The plan which the Senator is proposing is the one which was proposed here two or three years ago, in substance what is known as the Bourne amendment, is it not?

Mr. SMOOT. That is what I have stated. I do not know whether the Senator was in the Chamber at the time or not.

Mr. VARDAMAN. I was not present. I am perfectly familiar with that system, and I think it is a very admirable one, and I voted for it before.

Mr. SMOOT. Mr. President, if I could only get Senators to take the time to study this plan, as some of the Senators have done, I do not believe there is a Senator who would give it attention and studied it carefully but that would admit that it is the best system that has ever been offered for the building of roads in our country.

Now, as to the allotment, it is based upon four qualifications—not three, as the present law provides, but four: First, the total land area of the State. Second, the population according to the last Federal census. Third, the total assessed valuation of all taxable property within the State. Fourth, the total mileage of public highways in each of the several States.

Mr. President, the Senator from Delaware [Mr. Wolcott] offered an amendment to the pending bill adding a fourth requirement, and, instead of the total assessed value of all taxable property, he provided that it should be the amount of internal-revenue taxes paid by the State. I am not going to discuss that question now, because I think the Senator from Minnesota [Mr. Kellogg] the other day plainly showed how very unfair that would be to many of the Middle West States and the Western States, particularly, for he pointed out that the great corporations of this country, like the United States

Steel Corporation and the Standard Oil Co., have their headquarters in the city of New York and are taxed by that State, whereas the property that produces the money is lying in other States of the Union. My provision here says that it shall be based upon the total assessed valuation of all taxable property.

Mr. WOLCOTT. Mr. President, will the Senator yield for a question?

Mr. SMOOT. I yield to the Senator from Delaware.

Mr. WOLCOTT. Will the Senator's amendment embrace personal property in the phrase "taxable property"?

Mr. SMOOT. It will. It will embrace the total assessed valuation of all taxable property; and wherever there is a State that imposes a tax on personal property, it will, of course, include that.

Mr. WOLCOTT. I should like to make this criticism of the Senator's plan; namely, that in many States personal property is not assessed, and in other States where it is assessed it is assessed very inadequately, only such things as jewelry, silver plate, and so forth, being assessed; so that taxable property as it is "get-at-able," so to speak, would be only real estate; which would be unjust to those States which have great personal assets.

Mr. SMOOT. Mr. President, most of the States of the Union now assess personal property. I agree with the Senator that there is a discrimination between the rates of taxation on personal property in some of the States of the Union; but, of course, this applies to just what taxes are imposed by the State, and if a State has not assessed its property, then, under this plan, it could not complain of not receiving the proper apportionment, based upon the taxable property of the State.

I see that the hour of 3.30 has arrived.

The VICE PRESIDENT. You have two minutes yet by the clock in front of the Chair. Then you have 10 minutes after that to speak on the amendments.

Mr. SMOOT. I was looking at the clock in front of me.

Another splendid thing in this provision is that it provides a fund for the maintenance of the roads. There is not a Senator, there is not a person in the United States who does not know that among the greatest mistakes and the most expensive comes from the fact that the roads after they are constructed are not maintained and repaired as they should be. If any State which builds good roads—I do not care what they may cost, whether it be \$10,000 a mile or \$20,000 a mile—allows the roads to deteriorate and no work to be done upon them for years, is adopting a policy which means great expense to the taxpayers in the end. This substitute provides that 2 per cent upon the value of the bonds that are deposited by the State with the Secretary of the Treasury shall be used for the repair and maintenance of these roads. If it is not used for that purpose, Mr. President, then the National Highway Commission says to the State officials, "This money shall not be paid to the States, and hereafter, unless it is expended as provided by law, no assistance shall go to the States."

I know some of the Western States that have expended upon their roads by piecemeal, by building dirt roads, by hauling in cobblestones one year and removing them the next, have roads to-day that are no better than they were 10 years ago. Such sums have made the roads cost the State nearly as much as if they had built in the first place good concrete and hard-surfaced roads.

What I want to do, Mr. President, is to point out a system that will apply to all parts of the United States, show the people of the United States what best to do in road building, how to do it, and if they have no one within the States who is familiar with road building now in vogue in the United States my substitute provides there shall be a school to educate inexperienced men how to construct modern roads and with no ultimate expense to the Government, as the one-fourth of 1 per cent provided for will take care of this item and every other expense provided in the substitute.

Mr. CUMMINS. Mr. President, I desire to ask the Senator if there is not another very valuable provision in his substitute with regard to maintenance of the roads. Usually I think by all competent engineers it is estimated that it requires annually about 4 per cent of the original cost to keep roads in good condition. This substitute provides that not only shall future help be withheld if the State does not expend the 2 per cent paid from the Treasury of the United States, but it shall be withheld if the State does not expend a similar amount in maintenance in order to always enjoy a good condition of the road that has been improved.

Mr. SMOOT. I thank the Senator for reminding me that I had not called the attention of the Senate to that fact. I recognized that I only had a few moments' time to cover this great question. What the Senator has said in relation to compelling

the States to raise a similar amount for maintenance of these roads is absolutely correct. I believe myself it is one of the splendid provisions in the substitute.

Mr. CUMMINS. I should like to ask one further question. Before Senator Bourne, whose plan this is, or at least conceived this plan, made his report as a member of the Committee on Post Offices and Post Roads, is it not true that he called to his aid a committee of his associates in the Senate who contributed what they could toward the perfection of his plan, and is not this a plan which received at the time the approval and concurrence of substantially all Senators, at least, upon this side of this Chamber?

Mr. SWANSON. I was on that commission.

Mr. SMOOT. The Senator is not speaking of the commission now. He is speaking of the fact, and it is a fact, that ex-Senator Bourne called 15 or 20 Senators together for the purpose of discussing this plan which he originated, as I have already stated, and we spent not one evening only but for weeks this question was discussed and all the wisdom of the Senators who gathered together, not all upon this side of the Chamber, was given in the formation and wording of this plan of road building.

Not only that, Mr. President, but Senator Bourne spent weeks and months, and I am perfectly frank in saying nearly years, in consulting all classes of men in the United States in regard to it. He met in New York and Chicago and other great cities with the financiers of this Nation. He consulted them. He secured their approval. He consulted the best engineers in the United States, held meeting after meeting with them, and the plan met with their approval. I know, also, Mr. President, that he was assured by the banking interests of this country that the bonds issued for this purpose would find a ready market in the United States, and I have no doubt that they will in the near future.

Why not let the Government of the United States issue its credit to the States of this Union and let the States only pay the 4 per cent interest upon the money which they want to expend upon roads, and at the end of 50 years the obligation of the State is paid in full? The States would build the roads under this provision, and not only that but pay for the roads in the way provided.

Mr. SWANSON. Will the Senator from Utah permit me to interrupt him a moment?

Mr. SMOOT. Yes.

Mr. SWANSON. The Senator has discussed the maintenance of roads. The wisest provision in the existing law is section 7 of the law which requires maintenance by the States. I should like to read it.

Mr. SMOOT. I hope the Senator will not do so, because I have only two minutes left.

Mr. SWANSON. It shows that these roads must be maintained by the States, or else they do not get another cent of money from the Federal Government.

Mr. SMOOT. Under the substitute which I have offered, it not only means that the Government provides 2 per cent, but the Senator must admit that all engineers agree that 4 per cent of the amount originally expended on roads ought to be expended on the maintenance and repair of the roads every year, and my substitute provides that in addition the State must provide 2 per cent additional. The best engineers of the United States have decided that the amount should be spent upon public roads, and under my substitute it must be spent, or no further assistance from the Government will be given.

If there were anything, Mr. President, in this proposition that any ordinary business man or any man in the United States could not understand, I would not be here asking support for it. But its very simplicity should appeal to Senators, showing that it is not a fad of some kind and can not work out. I say that it will work out. I say that if it is not adopted to-day, it will be adopted in the future just as surely as the people of the United States learn of the plan, and that is what they are going to do.

The VICE PRESIDENT. Unless the Senator from Utah wishes to proceed on the bill itself, his time has expired on this amendment.

Mr. SMOOT. My 10 minutes on the amendment have expired, and the only thing I could do now would be to take 10 minutes on the bill. I would prefer to reserve that at this time, and I will therefore yield the floor.

The VICE PRESIDENT. The Chair believes it the proper course to proceed with amendments while they are pending and with the bill after the amendments are disposed of. Otherwise it would be difficult to keep a record.

Mr. KELLOGG. Mr. President, speaking on the amendment of the Senator from Utah [Mr. SMOOT], I have examined it with care. I think it is a meritorious plan, and if it were an

original question, if it were 1916 and his plan was to be put in force, I would be inclined to vote for it. But I see some difficulties in the way of putting it in force now with another plan already in force which was adopted in 1916 and where the appropriations run until 1921.

I am not very familiar with the machinery, but I understand all the States have adopted this plan and are putting it in force. To adopt the Senator's plan now would require the States to provide for a new issue and a different issue of bonds. A number of legislatures have made provision so that they can take advantage of a larger appropriation than the one of 1916, but they have not made provision for issuing their bonds under the plan proposed by the Senator from Utah. I get what information I have from the road branch of the Government, which has had this matter in charge.

There is one other suggestion I should like to make. At that time undoubtedly the Federal Government could borrow money much more cheaply than the States. I doubt if the Federal Government can borrow money any cheaper to-day than the States can. State bonds are absolutely exempt from Federal taxation and exempt from State taxation.

Mr. SMOOT. Will the Senator yield?

Mr. KELLOGG. Yes; I yield.

Mr. SMOOT. It is true that the interest on the liberty bonds may be taxed, but the other bonds are tax free. It is proposed here that these bonds shall be tax free, and I have no doubt they will sell at 3 per cent.

Mr. KELLOGG. I have very grave doubts, with the demand for money that the Government is going to have in the next two years, whether the Federal Government can sell these bonds at 3 per cent or sell them any cheaper than the States could sell their bonds. I know many States have issued their bonds free from taxation, free from Federal taxation, and they can be sold to-day just as cheaply if not cheaper than the Federal Government can sell its bonds. My State can sell bonds more cheaply.

The main objection that I see is in having two systems here, one of which has already been laid out and an appropriation made to carry it out and many of the States having made all arrangements to carry it out. The legislatures in many of the States will expire in a very few days and many of them have already expired. While I do believe the plan has many merits, yet I should hesitate to substitute it for the plan of the committee at this time.

Mr. SWANSON. Mr. President, in addition to what the Senator from Minnesota [Mr. KELLOGG] has said, I wish to state that I was a member of the joint commission of the House of Representatives and Senate which investigated this road question. Federal bonds can be sold much better or cheaper than State bonds. The fact is, a large majority of the States have a constitutional prohibition against issuing State bonds, and that plan would not be available until the State constitutions could be changed in the majority of the States. If I mistake not, there is a good majority of the States that have that prohibition in their State constitutions. Consequently, some of the States could not change their constitutions for three or four years, and this plan would not be available at all until their constitutions were changed so that the bonds could be obtained. My State could not do it; Florida could not do it. I think Minnesota has such a prohibition. The report of the Bourne Commission will show the States that made it absolutely prohibitory. Consequently our commission looked into that phase of it, and the present law, I think, was practically unanimously reported by the Committee on Post Offices and Post Roads, but certainly by a large majority after they looked into it.

As to road improvement, there can not be any way under this law for the maintenance of roads, and a better method could not be provided or found anywhere than in section 7 of the present law. I wish to show how carefully the law was drawn. It has worked well and the results have been very satisfactory. Section 7 of the present law reads as follows:

SEC. 7. To maintain the roads constructed under the provisions of this act shall be the duty of the States or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained, he shall give notice of such fact to the highway department of such State, and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance, then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State or the civil subdivision thereof, as the fact may be, whose duty it is to maintain said road, until it has been put in a condition of proper maintenance.

I was a member of the Post Office Committee which reported the bill, and, as I remember, it was discussed here for several weeks. All amendments deemed necessary were offered and every safeguard given. The only dispute at the time was as to the amount of money the Federal Government should give

for road construction. It seems to me, with this provision, we could not have a better law for the maintenance of the roads.

Mr. BANKHEAD. Is the substitute amendment offered by the Senator from Utah now pending?

The VICE PRESIDENT. It is.

Mr. BANKHEAD. If the substitute offered by the Senator from Utah is adopted, every Senator here, of course, knows that that means no legislation during the present session on this subject. I do not think I am unfair to the Senator when I say that that is his purpose.

Mr. SMOOT. I will say to the Senator that he is unfair when he makes that statement.

Mr. BANKHEAD. Then I will withdraw the statement.

I want to say this, further, and then I am through and ready to vote on this question. I repeat what I said. It means that there will be no legislation on this subject; but if there were, the measure is utterly impracticable. The Senator from Utah proposes to create a commission to put into operation its provisions and to superintend the spending of the billion dollars, or whatever the amount, as the case may be. Who comprise that commission? The chairman of the Post Office Committee of the Senate, the chairman of the Post Office Committee of the House, and one member to be selected from the Roads Administration.

Mr. President, if there were a greater political job than that ever put up, I do not know where to find it. The Senator puts in these chairmen, who are natural politicians and must be such, to administer this great project of road building. I will not be the chairman at that time, I know, but I do not hesitate to say that every Member of the Senate knows I have no capacity whatever for the administration of such a law as the Senator proposes. Besides, it would take the entire time of the chairmen of those committees. They could not possibly devote one moment of their time to any other business if they were going to administer such a law. I sincerely hope the amendment will not be adopted.

Mr. CUMMINS. Mr. President, it had not been my intention to say anything in regard to this amendment, but the last suggestion of the Senator from Alabama [Mr. BANKHEAD] I think needs some refutation. There could be possibly no political influences surrounding the commission which is provided for in this substitute. It has no discretion whatever. It is simply an administrative body to convey the money that is raised from the Federal Government to the States. The States determine, and the States alone determine, what roads shall be improved. They are improved entirely under the direction and supervision of the States and with the discretion or judgment of the States in that respect, with which the commission proposed has nothing whatever to do. I can hardly think, therefore, that it is vulnerable to the objection just made by the Senator from Alabama.

The objection made by the Senator from Virginia [Mr. SWANSON] is of a different kind. He says that in order that the States may avail themselves of the aid of the United States and issue their bonds in corresponding amounts, it would be necessary to amend some of the constitutions of the States. That is true. I think he is wrong, however, with regard to the proportion of constitutions that would necessarily have to be amended in order to accomplish that result. But that is neither here nor there. It is true that some constitutions must be amended in order to authorize the States to issue the obligations that are provided for in this amendment; but if this is the right way to deal with the subject, if there are safeguards in this plan that are not in other plans, if it will prevent a reckless and extravagant and wasteful expenditure of the public money, we ought to adopt the plan even though it will require a little time to put it into execution.

Mr. HARDWICK. Mr. President, I wish to suggest to the Senator from Iowa that he is correct in his statement that it is not a majority of the States whose constitutions would have to be amended. The number is 13, I believe.

Mr. CUMMINS. It is my recollection that a minority of the States would require an amendment to their constitutions. My own State is one of the number. We would not be able to avail ourselves of this privilege until we had amended our constitution and authorized the issuance of bonds.

The Senator from Minnesota [Mr. KELLOGG] objects to it, because it would interrupt the present plan. That is true, but why not interrupt the present plan if the present plan is wrong? All realize that this appropriation is simply an enlargement of the plan adopted a year or two ago, but those of us who believe that the Federal Government ought not to expend money in an improvement of the general roads of the country found in this plan a method of assisting the States quite as effective as the plan now in the law, and found in the plan a safeguard against

these constant inroads upon the Public Treasury. If we appropriate \$275,000,000 this year, we will appropriate \$500,000,000 next year, and we will gradually by progression along that line, Mr. President, bankrupt the Treasury of the United States.

Mr. SWANSON. Mr. President—

Mr. CUMMINS. I will yield in just a moment.

In my own State, if we were to improve all our roads at \$10,000 a mile, it would cost us more than a billion dollars to do it, but I suppose the public of my State expect eventually that the Congress of the United States will appropriate a billion dollars for the improvement of the highways in Iowa. Much as I would like to see the highways in my own State permanently and effectually improved, I am not willing and never have been willing to enter upon a policy which would call for that expenditure from the Treasury of the United States.

Mr. SWANSON. If the Senator will permit me, those of us who were on the commission, and also on the committee in the Senate, did not favor the proposition in the amendment now pending, but took the ground that the same influences that would increase this appropriation would ultimately result in cancellation of the bonds of the States, and that ultimately those bonds would be canceled and be returned to the States through the same influence. Consequently those who examined it thoroughly looked upon it with hesitancy and reached the conclusion that this would be more reckless, and that the Government would not have any supervision over the roads and their construction. We reached the conclusion that this would be the more reckless plan of the two.

Mr. CUMMINS. There is no accounting for a variety of opinion, I presume, for we all observe it in one way or another; but I can not see the weight of that suggestion.

The Senator from Minnesota [Mr. KELLOGG] says we could not place the bonds of the United States at 3 per cent. I do not know whether we could or not, but the spirit of this bill is that the credit of the United States is 1 per cent per annum better than the credit of the several States. Taking the States as a whole that is true, because there was a most exhaustive inquiry made by the committee to which the Senator from Utah [Mr. SMOOT] refers, and that was the result of the inquiry. Taking the general indebtedness of the States and the general power of the States to borrow money, and comparing that with the ordinary and customary rates of Government obligations, the outcome was that the Government credit was about 1 per cent better than the credit of the States. If we were compelled, on account of the times, to issue Government obligations that must bear 4 per cent, then it follows that the State obligation would necessarily bear 5 per cent, because you will discover whenever you make that inquiry that the credit of the United States is a little better than the credit of any State.

Moreover, Mr. President, the immediate situation is not a good guide for us, on account of the variation in the laws respecting immunity from taxation. If we will put the obligations of the States upon exactly the same footing as to exemption from taxation that we put obligations of the Government, my observation will be found to be still true. There will be that difference. This plan enables us to help the States just as effectually as the plan of the committee, and without the expenditure of a penny from the Treasury of the United States, simply by utilizing the higher and better credit of the United States.

The VICE PRESIDENT. The Senator's time has expired. Mr. BANKHEAD. Before the Senator sits down I should like to ask him one question.

The VICE PRESIDENT. The Senator's time has expired.

Mr. BANKHEAD. How long does the Senator think it would be before the construction of roads could be begun under the provisions of this amendment?

Mr. CUMMINS. It would be long.

The VICE PRESIDENT. The time of the Senator from Iowa [Mr. CUMMINS] has expired, and the Senator from Alabama [Mr. BANKHEAD] has once spoken on this amendment.

Mr. WEEKS. Mr. President, the so-called Bourne plan, which is justly named for former Senator Bourne, was a very ingenious and wise disposition of these questions, in my judgment, and I have never heard any sound objection to it; but I must dissent from what the Senator from Iowa [Mr. CUMMINS] has just said about credit.

The very essence of the Bourne plan was that the credit of the General Government was 1 per cent better than the credit of the States. Undoubtedly that was true at that time, for a thorough examination was made of that question; but it is very far from being true to-day. I am not sure about the rates at which the bonds of States in the newer sections of the Union are sell-

ing, but I know that some of the bonds of the States of the East are selling on rather a better basis than are United States bonds. The bonds of the State of New Hampshire, for example, are selling at only a little lower percentage basis than are Government bonds. Certainly New Hampshire is not a rich State, which would have unusual credit.

I think the same is true of the State of Rhode Island. I have noticed the quotations of Rhode Island bonds recently, and I think it will be found that, taking the country by and large, this very essential qualification to carry out this plan would not be found sound, for I am confident that a large percentage of the States of the Union could finance themselves as well to-day as could the General Government. That has been true to a greater or less extent for years.

Senators may remember that last year we appropriated some eight hundred odd thousand dollars to reimburse the State of Massachusetts for money which was expended for the benefit of the General Government during the Civil War, and expended for the General Government because the State of Massachusetts could sell its bonds at a lower rate of interest than could the General Government. It has been generally true that the credit of the Commonwealth, which I in part represent, has been practically as good as that of the Government, and would have been quite as good if it had not been for the provision that United States bonds should be used as a basis for circulation.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). The question is on the amendment offered by the Senator from Utah [Mr. SMOOT] to the amendment of the committee.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. MARTIN], who is absent. I therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the absence of my colleague [Mr. SMITH of Michigan] on account of sickness. He is paired with the senior Senator from Missouri [Mr. REED]. I wish this announcement to stand for the day.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote.

The roll call was concluded.

Mr. PENROSE (after having voted in the affirmative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I note that he has not voted. I will transfer that pair to the junior Senator from New Jersey [Mr. BAIRD] and will let my vote stand. I also will let this announcement stand for the rest of the voting on this bill.

Mr. OVERMAN (after having voted in the negative). I should like to inquire if the senior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OVERMAN. I have a general pair with that Senator. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will let my vote stand.

Mr. NEW. I have a general pair with the senior Senator from Delaware [Mr. SAULSBURY], but I am at liberty to vote on this amendment and on other amendments to the bill. I therefore vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from Oklahoma [Mr. OWEN].

Mr. KNOX. May I inquire if the senior Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The PRESIDING OFFICER. He has not.

Mr. KNOX. Then I withhold my vote, having a pair with that Senator.

The result was announced—yeas 18, nays 46, as follows:

YEAS—18.

Borah	Harding	Page	Spencer
Cummins	Johnson, Cal.	Penrose	Wadsworth
France	Kenyon	Poinexter	Weeks
Frelinghuysen	Lodge	Sherman	
Gronna	New	Smoot	

NAYS—46.

Ashurst	Jones, N. Mex.	Nugent	Sterling
Bankhead	Jones, Wash.	Overman	Sutherland
Beckham	Kellogg	Pittman	Swanson
Colt	Kirby	Pollock	Thompson
Curtis	La Follette	Pomerene	Townsend
Fernald	Lewis	Ransdell	Trammell
Fletcher	McKellar	Shafroth	Underwood
Gay	McLean	Sheppard	Vardaman
Hale	McNary	Simmons	Walsh
Hardwick	Martin, Va.	Smith, Ariz.	Watson
Henderson	Myers	Smith, Ga.	
Johnson, S. Dak.	Nelson	Smith, S. C.	

NOT VOTING—32.

Baird	Goff	McCumber	Saulsbury
Brandegge	Gore	Martin, Ky.	Shields
Calder	Hitchcock	Moses	Smith, Md.
Chamberlain	Hollis	Norris	Smith, Mich.
Culberson	Kendrick	Owen	Thomas
Dillingham	King	Phelan	Warren
Fall	Knox	Reed	Williams
Gerry	Lenroot	Robinson	Walcott

So Mr. Smoot's amendment to the committee amendment was rejected.

Mr. FRELINGHUYSEN. I offer the amendment which I send to the desk, and move its adoption.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. At the end of the committee amendment inserting section 6 it is proposed to insert the following:

Provided further, That when any officer or enlisted man in the Army, the Navy, or the Marine Corps of the United States shall be or shall have been detailed for labor in the building of roads or in other highway construction or repair work which is or was not exclusively necessary to subserve military purposes, the pay of such officers or enlisted men shall be equalized to conform to the compensation paid to civilian employees in the same or like employment; and the sum due to each such officer or enlisted man, as herein provided, shall be computed by the Secretary of Agriculture and paid out of the appropriation herein made and deducted from the allotment made to the State wherein such employment was had and such equalized compensation incurred.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Jersey.

Mr. BANKHEAD. Mr. President, it is clear to my mind that that amendment would be utterly impossible of execution, and I hope it will not be adopted.

Mr. GRONNA. Mr. President, I heard the amendment hurriedly read, and I do not know that I fully understand it. I think I am in favor of it, but I should like to have the mover of the amendment explain it.

Mr. FRELINGHUYSEN. Mr. President, I am very glad to explain the amendment. It simply provides that in the construction of these roads, paid for by Federal aid, if any enlisted men or officers of the United States Army are employed they shall receive the same wages that are paid civilian laborers on construction work; in other words, that the soldiers who are paid \$30 a month shall not be compelled to work for \$30 a month when civilians side by side with them are getting \$3, \$4, and \$5 per day.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Jersey. [Putting the question.] The "noes" seem to have it.

Mr. FRELINGHUYSEN. I ask for the yeas and nays, Mr. President.

Mr. TRAMMELL. Mr. President, I should like to have the amendment again stated.

The PRESIDING OFFICER. The Secretary will again state the amendment, as requested by the Senator from Florida.

The Secretary again read the amendment of Mr. FRELINGHUYSEN.

Mr. TOWNSEND. Mr. President, I do not quite understand the object of this amendment, because I do not understand that there is any proposition to work soldiers now in the Army upon road construction. I do not know by what authority they can be assigned to the building in the States of roads and highways not required for military purposes. While, of course, I think everyone would be willing to equalize their pay, if it were possible, it looks to me as if it would simply add confusion to the bill when there is no possibility of such a thing ever happening under its provisions.

Mr. SWANSON. Mr. President, if the Senator will permit me, it seems to me that if this amendment prevails it would, by implication, carry authority to detail soldiers of the Army to work on these roads.

Mr. TOWNSEND. That is, if it is agreed to.

Mr. SWANSON. If it is agreed to, it seems to me the effect of it would be that soldiers could be detailed to work on the roads.

Mr. FRELINGHUYSEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Jersey?

Mr. TOWNSEND. I yield.

Mr. FRELINGHUYSEN. The amendment simply provides that if any of the soldiers of the Army are utilized in the construction of roads they shall receive the same rate of wages as civilians so employed. Men who enlisted in the Army to fight in France have been employed in building roads at almost every cantonment in the United States, and many of them on military roads leading to and from the cantonments. At this time men who are awaiting discharge from the United States Army and are anxious to go home are being worked on certain of these roads at \$30 per month when the usual civilian pay is from \$3 to \$5 per day. The amendment simply provides that that practice shall not be continued.

Mr. TOWNSEND. Does the Senator from New Jersey state that soldiers in the Army are now being worked on anything but military roads in connection with the cantonments and other establishments of that kind?

Mr. FRELINGHUYSEN. I have in my office—received this morning—five letters from enlisted men complaining that they are kept at work on military roads. These roads lead to and from cantonments, but they will be utilized by the States as highways when the cantonments are abandoned. It is done everywhere.

Mr. KELLOGG. Mr. President, I should like to ask the Senator from New Jersey a question.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. TOWNSEND. I yield.

Mr. KELLOGG. It is difficult to understand from the reading of the amendment exactly what it does provide. Does it mean that if hereafter, under this appropriation, the United States Army shall detail men for work on roads in a State they shall receive the same pay as civilian workers or does it mean that they shall be paid for their past work wherever they have performed such work on military roads?

Mr. FRELINGHUYSEN. It is not retroactive; it simply applies to the appropriation contained in the pending bill.

Mr. ASHURST. Mr. President—

Mr. FRELINGHUYSEN. On the amendment I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Michigan has the floor. His time has not expired.

Mr. TOWNSEND. I yield the floor.

Mr. ASHURST. Mr. President, I simply rise to congratulate the distinguished Senator from New Jersey [Mr. FRELINGHUYSEN] for offering this amendment. It is very refreshing now to see him show solicitude for the soldier, and I congratulate him and the State he so well represents.

I recall that some two or three weeks ago, when we had up the bill providing for appropriating a hundred million dollars for some Europeans, who never understood and never will understand or comprehend our institutions, I tried to get an amendment attached to that bill to pay soldiers of the American Army two months' bonus, and my distinguished friend, the Senator from New Jersey, was active in opposition to that amendment. He was frank enough and manly enough, as is his attitude always, and courageous enough to come and tell me that he believed the amendment then offered to be political propaganda. He did not tell anybody else; he simply told me. I am going to tell him that I believe he is sincere in offering this amendment. I believe there is virtue in it, and the State that he represents and the Nation and its soldiers are to be congratulated that he, after some delay, has been converted to the idea that the private soldier has some rights in this country, and that if millions are to be "dished out" for the benefit of contractors, if millions are to be dished out for the benefit of Bolsheviks, the American private soldier has a few rights. So, I congratulate the Senator from New Jersey upon his belated conversion.

Mr. FRELINGHUYSEN. Mr. President, in view of the fact that the Senator has revealed to the Senate a private conversation that I had with him, and in view of the fact that his remarks imply to some extent a criticism of me, I wish to explain to him why I was opposed to the amendment providing for two months' pay to every enlisted man in the Army. I did not believe that that was a practical solution of the problem. I believe that there are probably two million or two and a half million men who do not want charity of this kind, men who have plenty of means to take them back to their civil pursuits without that bonus being paid by the Government. I said to the Senator that I believed a better plan, if it could be provided, would be to send these men back to the draft boards, there demobilize them, and allow the draft boards to take care of their problems, such as the payment of their allotments, which have been so greatly delayed; the payment of dependency claims; the payment of back pay; and arranging for the transfer and conversion of their

life insurance, which at the present time, left to the department, is in a chaotic condition, and then provide, where the soldier is out of employment, that the draft board should pay \$30 a month, to him or to his family, even for two, three, four, five, or six months—that they should find the men who really need the help and pay it in that manner.

Mr. ASHURST. Mr. President, if the Senator will yield to me for a minute?

Mr. THOMAS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. THOMAS. I rise to a parliamentary inquiry. The unanimous-consent agreement provides that—

No Senator shall speak more than once or longer than 10 minutes upon the bill or more than once or longer than 10 minutes upon any amendment offered thereto.

The Senator from New Jersey has spoken twice and the Senator from Arizona once.

Mr. ASHURST. I desire to speak upon the bill now, Mr. President, and I have that right at this time.

The PRESIDING OFFICER. Not while the amendment is pending.

Mr. ASHURST. I desire to offer an amendment to the amendment, so as to provide that the soldiers who work upon the roads shall be paid 1 per cent more than the civilians, and upon that amendment I wish to speak.

I wish to assure the Senator from New Jersey that I would not be guilty of revealing private conversations with other Senators here; but I recalled his frank and manly statement, and I was not criticizing the Senator—I have no right to do that—for it was a manly thing for him frankly to tell me his views about the matter and I respect him for it.

I will say further that his proposal and his method of paying the soldiers a bonus was a more scientific and a more accurate one than the one I presented myself, and I am converted to his method. I am not speaking the language of criticism. He converted me to his view, that the money to be paid as a bonus ought to be paid through the local draft boards.

I have been converted to the Senator's method of paying the bonus. The Finance Committee, when it brings in the conference report on the revenue bill, is going to bring in a provision for a bonus of \$60 to each soldier and each officer, and I am in favor of it. Will the Senator vote against the conference report because that provision is in it?

Mr. FRELINGHUYSEN. That is a question which at present I do not care to answer, because I have not seen the conference report. I do not know what it provides, but I will say to the Senator that I intend to introduce a bill embodying the provisions I have outlined to the Senator from Arizona.

Mr. ASHURST. That the soldiers shall be paid by the local draft boards?

Mr. FRELINGHUYSEN. If the soldiers can be still kept in commission, as I understand from Gen. Crowder that they can be.

Mr. ASHURST. The Senator will find me at least an active if not an effective supporter of his plan. That is all I have to say. I would not resort to the unparliamentary procedure, either privately or otherwise, of saying that the Senator's present amendment was offered for political effect, because that would be unparliamentary, however true. It is not true in this case, and I am going to vote for the Senator's amendment.

Mr. BANKHEAD. Mr. President, I hope the Senate will not lose sight of the fact that there is no authority in this bill at all to authorize the detail of soldiers or officers in the construction of the roads proposed to be constructed under its provisions. It simply provides that those men who have been discharged from the military service shall have the preference in employment. My judgment is that if such an amendment as this were adopted it would by implication authorize the Secretary of War to detail these men to work upon these roads, and that ought not to be done.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arizona to the amendment offered by the Senator from New Jersey.

Mr. ASHURST. I withdraw my pro forma amendment.

The PRESIDING OFFICER. Then the question is on the amendment offered by the Senator from New Jersey to the amendment proposed by the committee.

Mr. FRELINGHUYSEN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. MARTIN]. In the absence of that Senator I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. Mc-

CUMBER], who is absent. I therefore withhold my vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. THOMAS. I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. CURTIS. I desire to announce the absence of the junior Senator from Nebraska [Mr. NORRIS]. I will let this announcement stand for the day.

Mr. MOSES. I transfer my pair with the junior Senator from Kentucky [Mr. MARTIN] to the junior Senator from Nebraska [Mr. NORRIS] and vote "yea."

Mr. McKELLAR. I wish to announce the unavoidable absence of the Senator from Wyoming [Mr. KENDRICK] and the Senator from Oklahoma [Mr. GORE].

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from West Virginia [Mr. GOFF] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

The roll call resulted—yeas 33, nays 33, as follows:

YEAS—33.

Ashurst	Hale	Lenroot	Shafroth
Borah	Harding	Lodge	Sherman
Colt	Henderson	McNary	Spencer
Cummins	Johnson, Cal.	Moses	Sutherland
Curtis	Jones, Wash.	New	Watson
Fernald	Kellogg	Nugent	Wolcott
France	Kenyon	Page	
Frelinghuysen	Knox	Penrose	
Gronna	La Follette	Polindexter	

NAYS—33.

Bankhead	McKellar	Sheppard	Townsend
Beckham	Martin, Va.	Simmons	Trammell
Chamberlain	Myers	Smith, Ariz.	Underwood
Fletcher	Nelson	Smith, Ga.	Vardaman
Gay	Overman	Smith, S. C.	Walsh
Hardwick	Pittman	Sterling	Warren
Jones, N. Mex.	Pollock	Swanson	
Kirby	Pomerene	Thomas	
Lewis	Ransdell	Thompson	

NOT VOTING—30.

Baird	Gore	Martin, Ky.	Smith, Md.
Brandegee	Hitchcock	Norris	Smith, Mich.
Calder	Hollis	Owen	Smoot
Culberson	Johnson, S. Dak.	Phelan	Wadsworth
Dillingham	Kendrick	Reed	Weeks
Fall	King	Robinson	Williams
Gerry	McCumber	Saulsbury	
Goff	McLean	Shields	

The PRESIDING OFFICER. On the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] to the amendment of the committee, the yeas are 33 and the nays are 33, so the amendment is rejected.

Mr. FRELINGHUYSEN. I reserve the right to offer the amendment in the Senate.

Mr. BORAH. Mr. President, on January 31 I gave notice of a motion to suspend the rules with reference to general legislation on a general appropriation bill in order to enable me to offer the amendment upon which I have submitted some remarks this morning, and I am now about to make that motion. Before I do so I desire to say that, in case the motion to suspend the rules prevails and I am permitted to offer the amendment which accompanied the notice, I shall ask leave to perfect the amendment by excluding from the repeal sections 2 and 3 of the first espionage act, so that it will repeal section 1 of the first act and section 4 of the second. Sections 2 and 3 are the sections to which the Senator from Pennsylvania [Mr. KNOX] referred this morning. I want to say, however, that when I shall perfect the amendment in this respect it will not represent what I think should be the amendment. I am aware, however, that there are Senators who feel that those sections ought not to be repealed. That is not my view; but I am willing, if I can get it, to take half a loaf instead of the entire loaf.

Mr. President, I move at this time that the provisions of paragraph 3 of Senate Rule XVI, prohibiting an amendment proposing general legislation to any general appropriation bill, be, for the purpose of offering the amendment to which I have referred, suspended.

The PRESIDING OFFICER. The Chair will state to the Senator that the question of agreeing to section 6 as amended

is before the Senate, so that this motion will not be in order now. We must first dispose of section 6.

Mr. BORAH. Very well.

The PRESIDING OFFICER. The question is on agreeing to section 6 as amended.

Mr. THOMAS. I call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Colorado calls for the yeas and nays. Is the call sustained. [A pause.]

Mr. FRANCE. I would like to have the amendment stated.

Mr. THOMAS. Mr. President, I understand that the question now is upon section 6 as amended.

The PRESIDING OFFICER. That is correct.

Mr. THOMAS. That is the section which appropriates \$200,000,000 for roads. I think those who advocate it should not shrink from going upon record. I think those who are opposed to it should have a chance to go upon record.

Mr. LODGE. Let us have the yeas and nays.

Mr. THOMAS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MOSES (when his name was called). In the absence of the junior Senator from Kentucky [Mr. MARTIN], with whom I have a general pair, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], but I am at liberty to vote upon this question. I vote "nay."

Mr. GORE. I desire to announce that the Senator from Wyoming [Mr. KENDRICK] is detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from West Virginia [Mr. GOFF] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

The roll call having been concluded, the result was announced—yeas 51, nays 17, as follows:

YEAS—51.

Ashurst	Johnson, S. Dak.	Nugent	Spencer
Bankhead	Jones, N. Mex.	Overman	Sterling
Beckham	Jones, Wash.	Pittman	Sutherland
Chamberlain	Kellogg	Polindexter	Swanson
Colt	Kirby	Pollock	Thompson
Curtis	La Follette	Pomerene	Townsend
Fletcher	Lenroot	Ransdell	Trammell
Gay	Lewis	Shafroth	Underwood
Gore	McKellar	Sheppard	Vardaman
Gronna	McLean	Simmons	Walsh
Harding	McNary	Smith, Ariz.	Warren
Hardwick	Martin, Va.	Smith, Ga.	Watson
Henderson	Nelson	Smith, S. C.	

NAYS—17.

Cummins	Kenyon	Page	Weeks
Fernald	King	Penrose	Wolcott
France	Knox	Sherman	
Frelinghuysen	Lodge	Thomas	
Hale	New	Wadsworth	

NOT VOTING—28.

Baird	Gerry	Martin, Ky.	Robinson
Borah	Goff	Moses	Saulsbury
Brandegee	Hitchcock	Myers	Shields
Calder	Hollis	Norris	Smith, Md.
Culberson	Johnson, Cal.	Owen	Smith, Mich.
Dillingham	Kendrick	Phelan	Smoot
Fall	McCumber	Reed	Williams

So section 6 as amended was agreed to.

Mr. CHAMBERLAIN. Mr. President, I voted inadvertently on the amendment just preceding this one, offered, I think, by the Senator from New Jersey [Mr. FREYLINGHAUSEN]. The vote was a tie. While I do not ask that the result be changed at this time, in view of the fact that a vote on it has been reserved in the Senate, I want to say now that I shall vote for that amendment. There is no reason in the world why these young men who are wearing the uniform of the United States, if put to public employment on roads and other work, should not receive the same pay as civilians. It is the same rule that was applied in the Northwest, where the young men in uniform were compelled to work in the production of spruce lumber; they were paid civilian wages, and did splendid work. Of course, there was deducted from their monthly pay the salaries that they received as soldiers, which was perfectly proper. So I shall change my vote when the matter comes up again.

Mr. STERLING. Mr. President, will the Senator from Oregon yield for a question? I should like to ask the Senator if

soldiers in active service have ever been put to work on roads other than military roads? If soldiers are to do this kind of work at all—if there is any possibility of their being put into this kind of work—I shall—

The VICE PRESIDENT. The Chair must enforce the unanimous-consent agreement. We are talking on nothing.

Mr. STERLING. In view of the statement of the Senator from Oregon, I made the inquiry.

Mr. WEEKS. Mr. President, I call up the amendment I offered yesterday to the bill.

The SECRETARY. On page 14—

The VICE PRESIDENT. Under the agreement, the amendments to sections 7 and 8 must be first disposed of. The question now is on section 7.

Section 7 was agreed to.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry. Upon what amendment did we just vote?

The VICE PRESIDENT. Section 7.

Mr. BANKHEAD. Mr. President, has section 7 been adopted?

The VICE PRESIDENT. Section 7 has just been agreed to.

Mr. BANKHEAD. I have an amendment that I should like to offer to it. I move to reconsider the vote whereby it was agreed to.

The motion to reconsider was agreed to.

The VICE PRESIDENT. Now, section 7 is pending; and the Senator from Alabama offers an amendment to it, which will be stated.

The SECRETARY. On page 37, in line 18, after the word "material," and on page 38, in line 2, after the word "material," it is proposed to insert a comma and the words "equipment and supplies."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to section 7 as amended.

Mr. FRANCE. I desire to offer an amendment to the section.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the end of section 7, it is proposed to add the following:

Provided, That none of the sums made available under section 6 shall be expended except on such roads as may be designated as part of a national highway system to be laid out by the engineers of the construction division of the United States Army or of the War Department.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to section 7 as amended.

Section 7 as amended was agreed to.

The VICE PRESIDENT. The question now is on the adoption of section 8.

Mr. THOMAS. Mr. President, section 8, as I recall, is the section which makes an additional appropriation of \$3,000,000 for the building of roads in forest reserves. The Government now has a fund for that purpose; and I can conceive of no reason why we should add to it, except that we have \$3,000,000 left in the Treasury not yet disposed of. I do not believe that that is necessary. It is a very trifling sum, but I hope it will be voted out of the bill.

Mr. SMITH of Arizona. Mr. President, if the Senator from Colorado knows as much about western conditions as I think he does, his criticism is hardly justified. Fifty-two per cent and more of the best land in my State is in reservations; and yet I find a Senator from the West opposing the Government, on its own property, building the roads which are absolutely essential to it, and which may possibly work some benefit to a section of the country that has already been overburdened with taxation from the General Government and is receiving no compensation whatever from it.

Of all the things in this bill, this is the one above all others which should appeal to the Congress of the United States.

Mr. WALSH. Mr. President, just a word.

This appropriation is made in the bill in recognition of the principle which found place in the original act. When that was under consideration, the matter was debated at length, and the equity of the States in which there were great national forests for an additional appropriation to take care of roads in those forests was completely thrashed out and was entirely vindicated. The appropriation is quite in keeping with the original appropriation, which, in addition to the \$75,000,000 provided therein, provided an appropriation of \$1,000,000 each year for 10 years for the construction of roads in the national forests.

These great areas contribute nothing whatever to the Public Treasury. They contribute nothing either to the National Treas-

ury or to the State treasury. They contribute nothing for the building of roads. They contribute nothing for the support of schools. As they are kept out of the general body of property in the State from which the taxation must be drawn in pursuance of the policy of the National Government, at least the National Government ought to contribute something toward the construction of the necessary roads through these great areas.

Mr. KIRBY. Mr. President, I should like to ask the Senator a question. What do you want with a road in a forest reserve? There is nothing there but a forest.

Mr. WALSH. Mr. President, I shall be very glad to answer the question of the Senator.

In the first place, these great forests lie between densely populated and important agricultural and mining sections. There is no communication between these different sections except by roads through the forests. My county of Lewis and Clark, for the purpose of establishing communication facilities with the adjacent valley of the Deer Lodge, three years ago took upon itself the burden of a large expense for constructing a road through this national forest.

In the second place, these national forests are preserved because of the value of the timber in them. The timber is subject to being destroyed by enormous forest fires, and roads and trails are necessary through the forests in order that they may be protected from fire that is likely to destroy not only the forests themselves but property held by private owners in the immediate vicinity and adjacent to them; and there are many other considerations.

Mr. SHAFROTH. Mr. President, the section that is now under discussion is one that becomes vitally interesting to the States which contain forest reservations. There are millions and millions of acres in Colorado. We have 14,000,000 acres of land that have been withdrawn for forest purposes. These are practically Government lands, and it is necessary, in order to get access to the interior of them and also in approaching and leaving them, that there should be roads. Under our law none of this land can be the subject of taxation. Fourteen million acres of land have been withdrawn from taxation in the State of Colorado. Is it possible that we are to have no roads constructed there by reason of the fact that it is Government land? It seems to me the Government ought to be required to build roads in the interior. They can not ask the counties, but the counties are doing it to a certain extent, because it is necessary for them to get to the railroads.

Mr. President, it seems to me, in view of the fact that this is Government property and the State can not raise a dollar by taxation upon it, we ought to have a law at this time that will give at least some development, meager though it may be, of roads upon the public domain.

Mr. TRAMMELL. Mr. President, I desire to offer an amendment to the committee amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add at the end of the section the following proviso:

Provided, That no officer or soldier of the Army shall be detailed for work on the roads which come within the provisions of this section and other provisions of this act.

Mr. TRAMMELL. Mr. President, I voted against the amendment offered by the Senator from New Jersey not because I did not entertain the idea that if a soldier or an officer was detailed and assigned to this road work he should be paid the same compensation that was paid to civilians engaged in similar employment, because I am heartily in sympathy with the idea that if they should be so detailed they should draw similar compensation, but I am unalterably opposed to the idea that men who have been drafted into the Army or men who have enlisted in the Army should be detailed for other work than that contemplated upon their being called into the military service. Therefore it is my idea that we can best dispose of this question by adopting a specific provision prohibiting the detail of officers or soldiers for road work.

I can not contemplate or conceive the idea scarcely that the War Department and those having in charge our military affairs would so far violate the proprieties, would be guilty of such injustice to the officers and soldiers who have been called into the military service, as to assign them to do work of this nature and expect them to do it at the compensation they now receive. But as there seems to be some apprehension that some one may perchance be guilty of this injustice to our soldiers and our officers, I am willing to place a specific provision in the bill providing that officers and soldiers shall not be detailed for carrying on any of the work embraced within the appropriations here made. Therefore I have offered the amendment.

Mr. LODGE. Mr. President, the trouble with the amendment of the Senator from Florida [Mr. TRAMMELL] is that it does

not meet the difficulty. The soldiers have been employed on what are nominally military roads, but which inure exclusively to the benefit of the States in which they are built. That is the way they get around it. I know it has been done in my own State. I know it has been done in Virginia, near Camp Humphreys. I am told that at one time they had as many as 40,000 men building a piece of road that is going to be a part of the main road to Richmond, and they call it a military road. You never will reach this difficulty until you pay the soldiers as the amendment of the Senator from New Jersey does.

Mr. TRAMMELL. I will be very glad to accept an amendment to the amendment offered by myself, providing that they shall not be detailed or assigned to roads contemplated under the provisions of the bill or any other class of roads.

Mr. LODGE. That does not meet it. The amendment of the Senator from New Jersey meets it, and I propose to support that amendment.

Mr. TRAMMELL. My idea is not to authorize the department and those having control over our soldiers to detail them for road work, and if you provide a compensation for them it indicates that it is the mind of the legislative branch of the Government that they shall have such authority. I am opposed to granting that authority.

Mr. BORAH. Mr. President, I voted for the amendment offered by the Senator from New Jersey because, certainly, if soldiers are to be assigned to work upon these roads which are either technically or in fact within the provisions of the bill, they should be paid the same as those who work beside them; but I am very anxious that no amendment shall be adopted which would seem to suggest to the War Department that they ought to continue to employ young men who have been conscripted for military purposes in the building of roads. There is no reason now to continue them in the building of military roads. That might have been true during the time the war was pending, but there is no longer any occasion for employment in that respect.

Whatever amendment is adopted, whether that of the Senator from New Jersey or the Senator from Florida, or both—and I shall support both—I hope we will not in the future have any information coming to the Senate that boys who have been conscripted are held for the purpose of building public roads, military or otherwise.

Mr. LODGE. Will the Senator allow me? I agree with him entirely, but the amendment of the Senator from Florida does not meet the difficulty. That is the trouble.

Mr. BORAH. The amendment of the Senator from Florida certainly expresses the view of the Senate, and we can adopt both.

Mr. LODGE. Ah! if we adopt both.

Mr. BORAH. This is not a substitute for the amendment of the Senator from New Jersey.

Mr. TRAMMELL. I ask the Senator from Massachusetts if my amendment does not remedy the situation so far as the appropriations provided in this bill are concerned?

Mr. LODGE. I am not interested in protecting the appropriations in this bill. That does not concern me. What I am interested in is to prevent soldiers from being used to do State work—and that is done under the cover of military roads.

Mr. BORAH. It ought to be distinctly understood that the Senate is in favor of demobilizing these men and that nothing should detain, retard, or embarrass that demobilization. We do not want them retained for the purpose of building roads or policing Russia or policing Turkey or any other place. They should be permitted to go home and take up the work which they left under the command of their Government.

Mr. LEWIS. Mr. President, I should like the attention of the Senator from New Jersey [Mr. FRELINGHUYSEN]. I call his attention to the proposed amendment. I invite his attention particularly to the fact that his amendment says no work that is not definitely or distinctively or exclusively military; no road building that is not exclusively military. I ask the Senator what system does his amendment suggest, as to how it shall be decided whether a particular road is a military work or otherwise? Does not the amendment of the Senator leave it open to 50 different commanders in 50 different parts of the country to render different kinds of decisions as to whether it is distinctively military or civil work? And, finally, does it not leave it solely and wholly to the commander of the men to be the sole and the only judge as to whether the work is military road work or road work for State uses? The Senator from Massachusetts used that expression.

Mr. FRELINGHUYSEN. Mr. President, it is quite true that the question as to what constitutes military roads and what does not constitute military roads might be open to many constructions, but in the building of the cantonments the roads within the cantonments were strictly military roads. Through special

orders from the War Department—I think it is the Quartermaster's Department that has control of that—certain roads were designated. Those are military roads, but in many cases the commander of the post has built other roads leading to and from the city adjacent to the cantonment and has utilized the labor of enlisted men. I have seen some of these roads. The men themselves have boasted of the fact that they built them during the stress of war, when it was necessary, in order to facilitate the traffic to the camp, that they should be built.

But now the criticism I get from the enlisted men is that the commanding officers, in order to keep the men employed, are building roads and highways that are not military roads and that will not be used for military roads, but will be used for the main line of traffic and travel in the States. There is bitter complaint from these men that they have become road gangs. What I want to do is to avoid that.

Mr. LEWIS. May I ask the Senator, then, the distinction he wishes to draw between those roads ordered by the War Department, military roads, and those roads which the commanders of camps assume to build on their own initiative?

Mr. FRELINGHUYSEN. I say there is great confusion regarding the two types of roads. I want to stop holding the men in camp to build roads for the community in which the camp may be located.

Mr. LEWIS. I agree with the Senator. I think every Senator in this Chamber agrees with the Senator.

Mr. FRELINGHUYSEN. These men want to go home and to go back to their old employment.

Mr. LEWIS. I am only anxious to have the Senator see the difficulty. Those who wish to vote with him would like an amendment, if he would prefer to present it himself, that specifically designates who shall determine what road is a military road from the kind of road he objects to, or an amendment that so defines the subject that by voting for it they do not vote against the military road ordered by the War Department in order to exempt the kind of road that may be ordered by a post commander within a State.

Mr. FRELINGHUYSEN. They do not need any soldier labor for military roads. The need for all military roads is over; but these men should be prohibited from performing any labor on any of the roads. If in the battalions or regiments that are held in camp any of the men voluntarily want to go out and work on the construction of these highways, I am providing, by changing and perfecting my amendment, that any soldier who volunteers to do that work will be allowed to do so under military command, and that he shall be paid the same wages that are paid for civilian labor.

Mr. LEWIS. Since the Senator has kindly suggested that he is what he calls perfecting his amendment, possibly when presented in a perfected state it will remedy some of the evils that I fancy would spring from it as originally it was offered.

Mr. FRELINGHUYSEN. The Senator, of course, can take advantage of my use of probably the wrong term. I simply tried to meet the objection of some Senators, who believe the amendment would be in better form if it were changed in that regard.

Mr. KELLOGG. Mr. President, I wish to invite the attention of the Senate to certain remarks made by the Senator from Idaho [Mr. BORAH] in his very able discussion of the espionage act. The Senator made the proposition to repeal sections 1, 2, and 3 of the act of 1917 and section 4 of the act of 1918. I think this is very important as bearing on the question whether we should repeal that at this time. I am as much in sympathy with the idea which the Senator put forth as anybody. I am as much in favor of the liberty of the press and the liberty of speech as any Senator in this Chamber. But, Mr. President, it seems to me these sections should be carefully revised at this time and should not be repealed until we know what we are doing.

Section 1 of the espionage act provides that—

Whoever for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon—

And so forth, and obtains certain information. I have not the time to read it, but Senators will remember what it is. The same section provides that—

Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces, or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense * * * or whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing—

Going on and designating the same instruments as before— willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it—

Shall be punished—

Provided, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished—

And that—

Whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States—

Shall be punished.

This is a thing that is necessary in war time to prevent anyone by communication of any kind sending information to the injury of this country to the enemy.

Section 1, which is sought to be repealed by the proposition of the Senator from Idaho, being section 1 of Title XII, provides that—

Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing of any kind in violation of any of the provisions of this act is hereby declared to be nonmailable matter.

What I say is that by the section which it is sought to repeal the material in writing which one gathers under section 1 of the espionage act is made nonmailable matter. It has to do with communication with the enemy; and, of course, after the material is sent the damage is done and this Government must, as it has done, supervise all communications of that kind and prevent them from being carried in the mail.

Of course I realize that the war is practically over and there might be no harm in communicating in violation of section 1, but we ought to think about it. The war is not legally over, and it may start again actually. I think we should carefully consider whether we should repeal section 1 of Title XII at this time.

I am quite sure that no Senator here would object if a bill were brought in to accomplish what the Senator from Idaho desires, taking away from the Postmaster General the arbitrary power which he has now under this act as to many communications; but until I have further time to examine this question and study it with care I would not wish to vote to repeal section 1 of Title XII of the act.

I have no doubt that the power has been abused; all such power is liable to be abused; and I would like to see a bill brought in here revising these provisions and protecting the public, because I do not think at this time arbitrary restrictions as to mailable matter which can do no harm in this country should continue. But I think we should consider carefully whether we are going to take away the provision which makes all these documents and this information nonmailable matter.

Mr. TOWNSEND. Do I understand the question before the Senate is on the amendment of the Senator from Florida [Mr. TRAMMELL]?

The VICE PRESIDENT. It is.

Mr. TOWNSEND. Mr. President, a few moments ago, when the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN] was before the Senate, it occurred to me that it was simply going to lead to confusion in legislation, for I had not heard up to that time that there had been even any attempt upon the part of officers to work their men on State roads. Of course I condemn that proposition as heartily as any man can, and I am willing to vote for any proposition to prevent it. It seems to me that the amendment offered by the Senator from Florida, if properly worded, strikes at the root of this evil. It prohibits, or at least that is its object, the working of our soldiers upon roads. While I voted against the proposition of the Senator from New Jersey, I did so, first, because, as I have said, I did not know that such had been the practice, and, secondly, it seems to me that the evil might still exist and the soldiers be worked upon the roads just the same if they were paid the wages of ordinary civilian labor; in other words, they would probably be under coercion anyway. I am opposed to that, and, therefore, I am quite in sympathy with what the Senator from Idaho [Mr. BORAH] has said. I am willing to have almost any amendment adopted which will correct this evil. It seems to me if we adopt the amendment of the Senator from Florida, if it is properly worded, we should cure the evil without any question about it whatever.

Mr. LENROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. TOWNSEND. I yield.

Mr. LENROOT. As I understood the amendment, it applies only to soldiers working upon roads covered by this appropriation.

Mr. TOWNSEND. I suppose that would be about all the authority we have to exercise, as to something pertaining to roads covered by this appropriation. That was what the Senator from New Jersey tried to correct by his amendment. I want to go as far in this bill as I can lawfully go, and in a parliamentary manner, to prohibit the use of soldiers who are already in the service in the construction of roads or in doing any other work that is not in connection with the military service.

Mr. STERLING. Mr. President, I voted against the amendment of the Senator from New Jersey [Mr. FRELINGHUYSEN]. I did so because we had provided in the bill for the honorable discharge of soldiers, sailors, and marines, and I thought in doing that we perhaps had gone far enough, and because I also believed that soldiers in active service had not been detailed to do work on other than military roads; but it has been so constantly asserted in the Senate time and time again that soldiers have been so employed, and that they are likely to be so employed in the future—a thing to which I am utterly opposed—that I shall support the amendment offered by the Senator from Florida prohibiting the employment of soldiers for such purposes. To "make assurance double sure," I might say that if the amendment offered by the Senator from New Jersey is again offered I shall vote for that also.

Mr. BANKHEAD. Mr. President, I hope the amendment of the Senator from Florida will be adopted. I think it covers the whole question.

Mr. FRELINGHUYSEN. Mr. President, the amendment which I offered provides that if any of these soldiers are to be detailed on the highways for which appropriation is made in this bill they shall first voluntarily consent to the employment, and that then they shall receive the same pay as do civilians who are employed in like work upon such highways.

The amendment also provides that if any officer or enlisted man shall be detailed for any highway work other than that on military roads he shall receive the same pay as civilians. The amendment of the Senator from Florida does not go that far. Therefore I think that if we will wait until the bill is in the Senate, if I am permitted to reoffer my amendment then, all that the Senator seeks to secure will be secured if my amendment shall be agreed to.

Mr. President, I desire to make a parliamentary inquiry. I have modified my amendment. May I now offer it as a substitute for the amendment of the Senator from Florida?

The VICE PRESIDENT. That would be an amendment in the third degree. The Senator can read his amendment now to the Senate in his time; the Senate can then reject the amendment of the Senator from Florida and adopt the amendment of the Senator from New Jersey, if it chooses to do so, when the amendment is subsequently offered.

Mr. FRELINGHUYSEN. I shall wait until the bill is in the Senate, and then I shall reoffer my amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Florida [Mr. TRAMMELL] to the committee amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to sections 7 and 8 as amended.

The amendment as amended was agreed to.

Mr. WEEKS. Mr. President, I now ask for a vote on the amendment which I sent to the desk, which I introduced yesterday.

The VICE PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 14, line 11, at the end of the line, it is proposed to insert the following:

Provided, That whenever an employee is required to work on such holidays he shall be allowed compensatory time on one of the six days following the holiday upon which such service is performed, or, if he so elects, he may be paid for overtime in lieu thereof.

Mr. WEEKS. Mr. President, that amendment simply proposes to extend the practice which now prevails as to legal or other holidays set aside for the purpose by the President. Other governmental employees do not work on holidays, and yet they receive their pay. It is necessary for some postal employees to work on those days, and it seems perfectly reasonable, in fact it is carrying out the general provisions of the law, that they shall be given their pay for the work or shall be allowed compensatory time. I think the chairman of the committee is in favor of the amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I offer the amendment to the committee amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 33, line 15, after the word "act," it is proposed to insert—

The VICE PRESIDENT. The committee amendment to which the Senator's amendment is offered has already been agreed to.

Mr. WADSWORTH. Is it out of order to offer an amendment to that section as it now stands in the bill, it having been adopted?

The VICE PRESIDENT. It must be reconsidered before the amendment can be offered at the place where the Senator is offering it.

Mr. WADSWORTH. Then I can offer my amendment in the Senate?

The VICE PRESIDENT. If the Senator reserves a separate vote on the committee amendment, he can then offer to amend the amendment in the Senate.

Mr. WADSWORTH. Do I understand, then, that the committee amendment, on page 33, having been adopted, it is not now open to any further amendment?

The VICE PRESIDENT. It is not, unless the vote whereby the committee amendment was agreed to is reconsidered, or unless the Senator reserves a separate vote on the amendment, and offers to amend it when it comes into the Senate.

Mr. WADSWORTH. I ask the Secretary to read to the Senate my proposed amendment to the amendment, and then I will ask unanimous consent that the vote by which the committee amendment was agreed to may be reconsidered.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 33, line 16, of the amendment already agreed to, after the word "act," it is proposed to insert:

Provided further, That no assistant postmaster or supervisory official shall receive a less salary than \$100 per annum in excess of the sixth-grade salary provided for clerks and carriers in post offices of the first and second classes.

The VICE PRESIDENT. Is there objection to reconsidering the vote by which the amendment of the committee was agreed to? The Chair hears none, and the vote is reconsidered. The question now is on the amendment offered by the Senator from New York to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MOSES. Mr. President—

The VICE PRESIDENT. Does the Senator wish to amend the same section?

Mr. MOSES. I wish to ask if the committee amendments have all been disposed of?

The VICE PRESIDENT. They will be in a moment, the Chair presumes. The question now is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. MOSES. If the committee amendments have been disposed of, I offer the amendment which I send to the desk to be added as a new section.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add a new section, as follows:

That the provisions of the fifth and sixth sections of the act entitled "An act establishing post routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended and made applicable to all communications necessitated to national banking associations, State banks, trust companies, and other banking institutions in connection with the business of collecting installment payments upon subscriptions to any issue of the liberty or victory loan.

Mr. BANKHEAD. I make the point of order against that amendment that it is general legislation.

The VICE PRESIDENT. What is the act referred to in the amendment? The Chair does not know anything about it.

Mr. MOSES. Mr. President, having in mind the decisions of the Senate made, reversed, and made again yesterday afternoon, it seems to me that this amendment clearly is in order; but, if the point of order is to be made and maintained against the amendment which I have offered, I think it is incumbent upon me to point out that this is not new legislation beyond the scope of what the Senate has already done in connection with this bill. If there is any proper place in any legislation for the insertion of the subject matter which my amendment covers, the Post Office appropriation bill is the place, because my amendment extends the franking privilege to the banking institutions in connection with mail which they may have to send out concerning the collection of installment payments on liberty loans.

It is well known that, in spite of the high-paid artists, the high-salaried directors, and all the oratory, all the cartoons, all the advertising, and all the mass meetings held throughout the country in order to make the liberty-loan drive a success, it was, after all, the work of the banks of the country that put us "over the top" every time there was a drive. In the prosecution of that work they have used their resources in carrying the installment payments of those who were unable to pay for their bonds in full, and often they have done so at a loss in connection with the use of the funds thus employed. They have had to employ extra clerks and they have been obliged to carry on extensive correspondence because of their work in connection with the liberty-loan campaigns.

The extension of the franking privilege I here ask is not a general extension of the franking privilege such as has heretofore been asked for and voted down so often in the Senate and in the other House, but it is an extension of the franking privilege for a single patriotic purpose for a time which will soon expire. The granting of the privilege carries a recognition of all the meritorious work done by the banking institutions of the country in connection with one of the Nation's greatest needs.

I wish to say further, Mr. President, that we shall soon be entering upon another liberty or victory loan drive, in which the work of the banks will be still more necessary than heretofore, and to which they may find it much more difficult to bring as great success as they have achieved in the prior drives. I think that anything that Congress may do to show its recognition of the work done by the banks, or to aid them in the still greater task which they soon must confront, would be in line with the generous spirit which Congress is showing toward all the agencies which have contributed to the successful outcome of the war.

Mr. BANKHEAD. I inquire if the Chair has ruled on the point of order?

The VICE PRESIDENT. No. The Chair was inquiring what is the act referred to in the proposed amendment. The Chair now knows. Does the Senator from Alabama insist on his point of order?

Mr. BANKHEAD. I do.

The VICE PRESIDENT. The point of order is sustained.

Mr. KING obtained the floor.

Mr. FRELINGHUYSEN. Mr. President—

Mr. KING. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. I offer an amendment as a new section, and ask that it be read. It is not in conflict with the amendment which has already been adopted.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from New Jersey.

The SECRETARY. At the end of the bill it is proposed to add a new section as follows:

SEC. —. That when any officer or enlisted man in the Army, the Navy, or the Marine Corps of the United States shall be or shall have been detailed for labor in the building of roads or in other highway construction or repair work which is or was not exclusively necessary to subserve military purposes, the pay of such officers or enlisted men shall be equalized to conform to the compensation paid to civilian employees in the same or like employment; and the sum due to each such officer or enlisted man, as herein provided, shall be computed by the Secretary of Agriculture and paid out of the appropriation herein made and deducted from the allotment made to the State wherein such employment was had and such equalized compensation incurred: *Provided*, That no enlisted man of the Army, the Navy, or the Marine Corps of the United States shall be detailed for any such duty except by his own consent.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Jersey.

Mr. CHAMBERLAIN. Just a moment. I wish to suggest one little change in the amendment, by striking out the words "which is or was not exclusively necessary to subserve military purposes."

The VICE PRESIDENT. Does the Senator from New Jersey accept the proposed modification of his amendment?

Mr. FRELINGHUYSEN. I accept the modification.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Jersey as modified.

The amendment as modified was agreed to.

Mr. KING. Mr. President, a few days ago, under a misapprehension as to the status of the matter, not recalling that the House had made an appropriation of \$1,000,000 for motor-vehicle truck service, the Senate rejected the proposed amendment offered by the Senate committee which cut down the House appropriations from \$1,000,000 to \$300,000. I now move to reconsider the vote by which the amendment of the committee, beginning on line 11, page 28, and extending to line 10, on page 29, was rejected.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah. [Putting the question.] The "noes" seem to have it.

Mr. KING. I ask for a division.

Mr. TOWNSEND. What is the amendment?

The VICE PRESIDENT. The Senator from Utah moves to reconsider the vote by which the amendment of the committee, beginning on line 11, page 28, which proposes to strike out lines 11 to 17 and to insert the matter printed in *italic*, extending down to and including line 10, on page 29, was rejected.

Mr. BORAH. Mr. President, I wish to ask the Senator from Utah a question.

Mr. KING. I yield to the Senator.

Mr. BORAH. What is the status of the amendment now with reference to the appropriation? What did we do the other day? Did we reduce it?

Mr. KING. We increased it; that is to say, the House made an appropriation of a million dollars. The Senate committee reduced it to \$300,000, but that amendment was rejected, the Senate forgetting that it was a substitute for the House provision, so that if the motion which I have now made prevails we will then be called upon to vote upon the Senate committee amendment reducing the amount to \$300,000, instead of leaving it at a million dollars.

Mr. BORAH. With that statement, I am in favor of the motion.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator how his amendment will affect the soldier vote?

Mr. KING. I have not taken that into account.

The VICE PRESIDENT. The question is on the motion to reconsider.

The motion was agreed to.

The VICE PRESIDENT. Now the question recurs on agreeing to the amendment reported by the Senate committee.

Mr. KING. Mr. President, I move to amend the committee amendment by striking out "\$300,000" and inserting "\$70,000."

In support of that amendment I wish to say that the Postmaster General has stated in a report which has been submitted, and to which attention has been called by at least two Senators, that \$70,000 was all that he required; and the Fourth Assistant Postmaster General, testifying in regard to this matter, stated, as the Senator from Iowa [Mr. KENYON] reported upon the floor of the Senate a few days ago, that unless he could have \$8,000,000 he did not care for anything.

We would really be doing the proper and wise thing to appropriate nothing; but the Postmaster General has stated that he will be satisfied with \$70,000, and it seems to me that with that report we ought not to increase it to \$300,000.

Mr. HARDWICK. Mr. President, in behalf of the committee I submit that this amendment ought to be adopted in the form in which the committee proposed it and for the amount that the committee suggested. The action of the committee was taken after very careful consideration, much more careful than any Senator on the floor has been able to give the subject now, and not only after a full hearing of the Fourth Assistant Postmaster General, but after a full understanding of the Postmaster General's views and after hearing the inspectors who investigated this subject.

Let me say, Mr. President, that there were things of which we did not approve in connection with the way this experiment has been made. We believed that the accounts have been padded by the men who were conducting this experiment, without the consent, we hope, of the Fourth Assistant Postmaster General; but we wish to have a real, reasonable, and accurate opportunity of measuring what this service is before we finally relegate it to the rear, as we would do by appropriating only \$70,000.

Let me call the attention of the Senate to the fact that the proposition reported by the Senate committee, and unanimously reported by that committee, embraces two kinds of experiments—first, the kind which the Postmaster General has said that \$70,000 would permit him to make, and, second, another and a vastly more important character of experiment, which is the experiment in county rural parcel post express.

The Senate knows, I think, that one of the great objects that were expected to be accomplished by the rural delivery service was handling parcel post matter from the country, the rural sections, to the towns and villages. That service has fallen down absolutely, so much so that if you take the rural routes of the United States, they average one parcel incoming to the towns and seven outgoing from the towns to the rural sections per route throughout the United States. And more than that. We propose to use the greater part of this money to experiment in a number of counties, at least one in each State, to see what a parcel post county express system will do. The people who live in the towns and cities and villages get express facilities. They get parcel post service from the Government, operated on the railroads. It is impossible to put this parcel post service in connection with the mail routes for two reasons:

First, because the carriers do not desire to increase the size and cost of their equipage, and therefore oppose it; second, because it has a tendency to slow the mails, so much so that the patrons themselves do not patronize it and support it as they would do otherwise. Our idea is to try this service separate from the existing mail-route service but as a part of one system as a whole.

In my judgment the Senate would do wisely—I have no interest in the matter except the fact that I have studied it and think I understand it—to stand by what the committee has done and to keep this amount of \$300,000 in the bill, so that both of these experiments can be conducted simultaneously.

Mr. SWANSON. Mr. President, as the Senator from Georgia has well stated, \$1,000,000 was appropriated for this purpose by the House. It came to the Senate and investigations were made, and the profits were found to be not as large as were reported in the estimates made in connection with the automobile routes. The Senate committee thought this matter ought to be tested.

It is not a waste of \$300,000. It is simply an investment, which, we think, will return more to the Government than it costs; and, as the Senator has well said, the parcel post is the country express. The reason why the parcel post was adopted was because it was impossible to get the express companies to carry parcel post out into the country. The cities had express, but they could not get to the country. There has been a great demand from the country to have their products, both pro and con, brought to the railroads, carried to the large cities, and have a means of communication between the country and the cities.

The experiment showed an immense profit. I wish to say, in justice to the Fourth Assistant Postmaster General, that these were estimates of profits made and not actual counts, and inspectors went there and investigated on certain days, and the profits reported by them were less than were estimated.

I am satisfied that there is a great need in the country for service of this kind. There are sections of the country where railroads can never be built; where there are distances of 20, 30, or 40 miles intervening between railroads; where there will be no possibility of ever having railroads. We now have the automobile, and the idea is that the automobile, to some extent, can supply the needs of the country where possibly it will be years before they will have any railroad facilities so that products can be sent by express. In that way the farmers can send their produce to the towns and the town people can send their patronage out to the farmers. In addition to that, a great many farmers have an idea that this can be developed so that the producer can be brought in direct contact with the consumer.

We direct experiments with both of these systems—first, as recommended in the case of the \$70,000, immediately around the towns; second, to see if the country express can be made a success in the rural districts. The experiments that have been made have not been satisfactory. Very frequently these routes have paralleled railroad routes and did not extend into sections of the country where there were no railroads. We have drawn provisions that would require these two experiments to be made in the way stated by the Senator from Georgia [Mr. HARDWICK]. We require the accounts to be accurately kept. We give them an opportunity to select the routes where the system can be a success, and it seems to me that this experiment should be made. Nearly all the country people with whom I have been in communication—farmers' associations, people that produce—want a country express, and they are nearly unanimous for this service. We can never determine whether or not it can be made a success until the experiment is made. Seventy thousand dollars will not make an adequate experiment. It would only keep up one-fourth of the service that we already operate.

Mr. HARDWICK. We want to try the experiment in every State of the Union. We could hardly do it in one of them for \$70,000.

Mr. SWANSON. That amount would merely enable them to keep in operation a few routes that are being operated at present.

The House thought \$1,000,000 ought to be given for this purpose. The Fourth Assistant Postmaster General thought he could take \$8,000,000 and show an immense return to the Government in the way of profits. This is not money wasted. This is a business proposition, to see if by experimenting with \$300,000 you can not add to the Post Office Department a system of country express, bringing the producer and the consumer in close contact, and thus make it a profit, and not a loss, to the Government.

We do not want them to come in here next year and say that they have not had enough money for the purpose of making adequate experiments. I would be willing to vote the amount con-

tained in the House provision, because I believe a million-dollar expenditure would show \$1,000,000 or \$2,000,000 of profit to the Government. The only difference of opinion has been as to whether the routes we have had have been as profitable as claimed; but I am satisfied that in the aggregate the experiment has shown that the money spent last year has brought in as much as was expended.

Mr. TOWNSEND. Mr. President, the Senator from Georgia [Mr. HARDWICK] has correctly stated that the Senate amendment was adopted unanimously by the subcommittee; but I feel that it is fair to state to the Senate that I had no faith, and have none now, or very little, in this provision. I am willing, however, under the language that we put in, to try this experiment for another year.

The fact of the matter is that \$300,000 was appropriated last year for this very purpose, and the report of the Post Office Department as to the operation of this system by the Fourth Assistant Postmaster General was simply condemnatory in almost every particular. No experiment that was at all reliable was made. The representatives of the Post Office Department appeared before us, and said that they could establish seven routes at \$10,000 per route, which would demonstrate whether or not this thing was feasible; but the Senator from Georgia and other Senators felt that we ought to extend the experiment a little further than under the provisions of the old law, and I finally consented to adopt that proposition. The Senate ought to know, however, that this experiment as it was tried last year was a failure, an ignominious failure; and it was bolstered up by reports from the carriers to the people who administered it for the purpose of deceiving the Congress. There was no question whatever about that. There could be no other purpose in it than to make it appear that it was a more useful and valuable institution than the facts actually disclosed.

I voted for this provision in the first place, a year ago, because I thought there was a great possible field at least for the operation of a sort of truck express. The more we have learned about it, the more the facts have been disclosed to us, the more I am convinced that it never can succeed; but still I am perfectly willing to continue the test under the restrictions placed upon it by the Committee on Post Offices and Post Roads, although I preferred in the first place that we should grant simply the \$70,000, because the Postmaster General said he could make an experiment with that so as to test it out and know what to do in the future. I still think, however, that the amendment offered by the Senator from Georgia [Mr. HARDWICK] opened the field a little bit, and perhaps presented another aspect which ought to be disclosed through experiments.

Therefore I am willing that the provision of the Senate committee shall be adopted, and I shall support it.

Mr. KING. Mr. President, will the Senator yield?

Mr. TOWNSEND. I yield.

Mr. KING. I should like to ask the Senator, if this plan shall be carried on to any very great extent, whether it will not have the effect, first, of tremendously increasing the number of Federal employees, multiplying to a large extent the expenses of the Post Office Department, and ultimately putting hundreds and thousands and tens of thousands of people under the civil service; and will it not also result in curbing the construction of interurban electric-railroad systems, which in the past have done so much to link rural communities with the cities and rural communities with each other, and hurt the railroads, which are now struggling for existence, struggling for enough revenue—not only the large railroad systems, but the smaller, interurban railroad systems?

Mr. TOWNSEND. Mr. President, I am not so much interested in that; that is, I am not disturbed over it, because I am confident that unless this experiment proves that this is a really valuable facility in the interest of the people, it will not be continued; and if the demonstration shows that it is needed in the interest of the people of the country, I am not particularly interested in what happens to some other instrumentality of commerce. But, convinced as I am now that if it were left to me alone I should say that a demonstration has already been made sufficient to satisfy me that this scheme never can succeed, if I had time enough to disclose the facts that were brought out I perhaps could convince others that that was true; and yet, being finite, and very finite, and limited in my vision into the future, I am still willing to continue the experiment for another year under the restrictions we have thrown around it. The majority of the committee thought \$300,000 was not too much—that is the same appropriation that we made last year—and I therefore consented that that might go in, although I wanted the amount made \$70,000.

Mr. POMERENE. Mr. President, will the Senator yield for a question?

Mr. TOWNSEND. I yield.

Mr. POMERENE. A moment ago the Senator made the statement that the experiment heretofore had proven a failure. Will the Senator tell us in what respect it has proven a failure, and why, in the mind of the department, it was a failure?

Mr. TOWNSEND. Mr. President, it would take a long while, but I will say in brief that it was a failure because it did not answer any useful purpose, the useful purpose for which it was instituted. The department, or those immediately in charge, the carriers, padded the reports of what they were doing. They carried mail in this way that ought to have been sent by post, and that was paid for by the Government to go by post. They put those in as returns of the system, in order to make it appear less of a financial loss than it really was. Furthermore, it was not instituted in the places where possibly there could have been a good test of it. There were many things that entered into it.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. TOWNSEND. I do.

Mr. BORAH. Are the people who padded the reports still at large?

Mr. TOWNSEND. They are still at large; and the singular part of it is that the Fourth Assistant Postmaster General did not think that of much consequence anyway, because after they got their reports of receipts all in they commenced by a series of arbitrary reductions to cut out this much and that much, 33½ per cent for one thing and 50 per cent for another, with the hope that finally they would get to a basis that might be approximately correct, but with no foundation of fact as to what the cost was or what the receipts were. We have tried to prevent that in this bill, and to get an experiment that would be a faithful exposition of what the operation really is.

Mr. WEEKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. TOWNSEND. I do.

Mr. WEEKS. I think the Senator from Michigan might also have added that while it was reported to the committee that the experiment was a financial success, it developed that it was only a financial success because the first-class mail was diverted from other means of transportation and carried in these trucks, very frequently delaying the delivery of the mail, and I think the Fourth Assistant Postmaster General agreed that without carrying first-class mail it can not be made a financial success.

Mr. JONES of Washington. Mr. President, may I ask the Senator a question?

Mr. TOWNSEND. Yes.

Mr. JONES of Washington. In answer to the Senator from Idaho, the Senator from Michigan said a moment ago that the people who had padded these returns were still at large. Can the Senator tell me whether or not they are still in the employ of the Government?

Mr. WEEKS. As far as I have any information, they are in the employ of the Government.

Mr. JONES of Washington. Are they likely to carry on these new experiments, and report on the money we are giving in this bill?

Mr. WEEKS. I am not sure about that. I should perhaps say to the Senate that the Postmaster General and the Fourth Assistant Postmaster General are not at all in harmony in connection with this system, except that the Postmaster General is trying to eliminate those people who are guilty of padding the returns. A specific case with reference to padding of returns is that of the transporting of mail between Baltimore and Gettysburg, Pa. The return indicated a very large amount of first-class mail carried, but the actual experiments developed that there were some days when there was none, and the average amount carried was only one-tenth of that reported by the carriers. Who was responsible for that I do not know, except the carrier himself on some kind of basis had made a false return.

Mr. HARDWICK. May I suggest to the Senator from Massachusetts, as I believe the Senator will agree, that I am sure we have safeguarded that situation as much as we can.

Mr. WEEKS. I should have said I voted for the appropriation of \$300,000, because I thought the experiment had been so badly done and safeguards had been placed around it by the committee of such a character that as long as they had undertaken it we felt we had better have a fair and businesslike experiment made and returns made to Congress next year.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah [Mr. KING] to the amendment of the committee.

The amendment to the amendment was rejected.

The amendment was agreed to.

Mr. BORAH. Mr. President, I wish to submit a motion to suspend the rules, if this is the proper time to do it.

The VICE PRESIDENT. This is as good as any.

Mr. BORAH. Before making the motion to suspend the rules, I will offer an amendment to the bill by adding a new section, as follows:

SEC. —. That section 1 of an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," passed and approved June 15, 1917; also that section 4 of the act passed and approved May 16, 1918, known as the second espionage act, be repealed.

I offer that as a new section to the bill. I do not care to discuss it if I can have a yea-and-nay vote upon the amendment.

Mr. BANKHEAD. Mr. President, I make a point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. BORAH. Mr. President, I now move, in accordance with notice which I gave January 31, 1919, for a suspension of the rules, as follows:

I move that the provision of paragraph 3 of Senate Rule XVI, prohibiting any amendment proposing general legislation to any general appropriation bill, be suspended for the purpose of offering the following amendment—

Which amendment, Mr. President, I have just stated, and I do not think it necessary to restate it in order to get the motion before the Senate.

The VICE PRESIDENT. It is not. The question is, Shall the rule be suspended for the purpose of enabling the Senator from Idaho [Mr. BORAH] to offer his amendment?

Mr. BORAH. Upon that I ask for the yeas and nays.

Mr. BANKHEAD. Mr. President, I want to make a point of order against the motion to suspend the rule for the reason that we are proceeding under a unanimous-consent agreement on this bill, and we have agreed unanimously to proceed with it through the regular parliamentary stages to its passage. My point is that if we can change the unanimous-consent rule under which we are operating to make this amendment in order, we can change the rule for any other purpose and make any other proposition in order. It is a violation absolutely of the unanimous-consent agreement.

The VICE PRESIDENT. The rules of the Senate are not set aside by the unanimous-consent agreement. The point of order is overruled. The yeas and nays are called for.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. ASHURST. Mr. President, I understand the amendment of the Senator from Idaho is to repeal the so-called espionage law and amendments thereto.

Mr. BORAH. This is simply a motion to suspend the rule. If the motion prevails, then I will offer an amendment to provide for the repeal of section 1 of the first espionage act and section 4 of the second espionage act, which have reference alone to the power of the Postmaster General to exclude certain matter from the mail.

Mr. ASHURST. I always differ from the distinguished Senator from Idaho with reluctance, and I am rather amazed that such an amendment should be offered. Is the question debatable?

The VICE PRESIDENT. In the opinion of the Chair, the question is not debatable.

Mr. ASHURST. I beg the Chair's pardon.

The VICE PRESIDENT. The question is whether the Senate will suspend the rule. If it does, then the Senator from Arizona will have 10 minutes. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from California [Mr. PHELAN] and vote. I ask that this announcement may stand for the day. I vote "nay."

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. If at liberty to vote, I would vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. MARTIN]. In his absence I withhold my vote.

Mr. MYERS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], but upon this question I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. LEWIS. I rise to announce the necessary absence of the Senator from Oregon [Mr. CHAMBERLAIN], and that he is paired with the Senator from Pennsylvania [Mr. KNOX].

Mr. KNOX. I transfer my pair with the Senator from Oregon [Mr. CHAMBERLAIN] to the Senator from Illinois [Mr. SHERMAN] and vote. I vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

The roll call resulted—yeas 25, nays 39, as follows:

YEAS—25.

Borah	Hale	Lenroot	Spencer
Cummins	Harding	Lodge	Sutherland
Curtis	Hardwick	McNary	Townsend
France	Johnson, Cal.	New	Weeks
Frelinghuysen	Kellogg	Norris	
Gore	Knox	Page	
Gronna	La Follette	Penrose	

NAYS—39.

Ashurst	King	Pollock	Sterling
Bankhead	Kirby	Pomerene	Swanson
Beckham	Lewis	Ransdell	Thomas
Colt	McKellar	Shafroth	Thompson
Fletcher	Martin, Va.	Sheppard	Trammell
Gay	Myers	Simmons	Underwood
Henderson	Nelson	Smith, Ariz.	Wadsworth
Jones, N. Mex.	Overman	Smith, Ga.	Walsh
Jones, Wash.	Pittman	Smith, S. C.	Warren
Kendrick	Poindexter	Smoot	

NOT VOTING—32.

Baird	Gerry	Martin, Ky.	Sherman
Brandegee	Goff	Moses	Shields
Calder	Hitchcock	Nugent	Smith, Md.
Chamberlain	Hollis	Owen	Smith, Mich.
Culberson	Johnson, S. Dak.	Phelan	Vardaman
Dillingham	Kenyon	Reed	Watson
Fall	McCumber	Robinson	Williams
Fernald	McLean	Saulsbury	Wolcott

The VICE PRESIDENT. On the question, the yeas are 25 and the nays 39. So the Senate refuses to suspend the rule.

Mr. POINDEXTER. I offer the following amendment to be inserted at the close of the bill.

The SECRETARY. At the end of the bill add the following as an additional section:

SEC. 1. The office of postmaster in each class shall hereafter be a nonpolitical office, and shall be within the classified civil service, and appointments thereto shall be made in accordance with the civil-service rules and, so far as practicable, by promotion, or transfer, upon merit, without regard to politics, from the employees of the Post Office Department, subject to the permanent civil-service regulations and requirements.

Mr. BANKHEAD. I make a point of order against the amendment.

Mr. POINDEXTER. I was in hopes that the Senator from Alabama would not make a point of order. I suppose the point of order is good. It was the purpose of the amendment merely to establish the merit system instead of mere partisan politics in the appointment of these officials.

The VICE PRESIDENT. The point of order is sustained.

Mr. KING. Mr. President, I was absent the other day when the provision found on page 15, which is an amendment reported by the committee, was under consideration, and I think it was adopted in a pro forma way by the Senate. I refer to the provision commencing on line 7, page 15. The amendment authorizes the Postmaster General to contract in his discretion for pneumatic mail tube service in the city of New York, and so forth. I move to reconsider the action of the Senate by which the amendment was agreed to.

Mr. BANKHEAD. The amendment was agreed to four or five days ago, and it is too late for a motion to reconsider.

The VICE PRESIDENT. The Chair does not know when it was agreed to.

Mr. KING. It was agreed to several days ago.

Mr. BANKHEAD. About a week ago.

Mr. KING. I can say the amendment was accepted several days ago. I did not learn until a few days after it had been accepted by the Senate.

Mr. SWANSON. Mr. President, I hope the Senator will not press his motion to reconsider. I have always been opposed to pneumatic tubes and always voted against them; but it seems to me this is a very harmless provision. There was a difference of opinion as to whether the pneumatic tube is a failure

or a success. This simply leaves it in the discretion of the Postmaster General to find out whether it is a success and to simply keep the tubes until the experiment is absolutely completed and it is determined whether it is a success or not. It is done without cost to the Government. I see no reason why the tubes should now be taken out. We might reconsider our action and afterwards find it was a mistake not to have the tubes. They might be utilized and I see no reason why they should not be kept there; in other words, I see no reason why this provision should not be retained in the bill.

Mr. KING. Will the Senator yield?

Mr. SWANSON. I yield for a question.

Mr. KING. The Senator will recall that when the bill was passed about a year ago, the President vetoed it because of the provision in the bill providing for pneumatic tubes. It seems to me in the light of the action of the President and in view of the opposition of the Postmaster General, it would be very unwise and improper for us to insert it in the bill.

Mr. SWANSON. I do not know whether the Postmaster General is opposed to it or not. I do not know anything about that. I have never heard from him about it. I know I fought and antagonized the appropriation for pneumatic tubes. I did not think it was a success. I fought it when I was in the House and always believed we spent more money than was justified by the good we got out of it, but there is a difference of opinion. Commissions have investigated it. I think the Senator from Georgia [Mr. HARDWICK] investigated it and thought it ought to be experimented with. All the objection is that the Postmaster General is opposed to it, and I concur with him in it. This authorizes him, if the mail can not be more economically carried without these tubes, to carry it over the pneumatic tubes. The second provision is that pending this experiment for a year or two the tubes shall be kept in their present place without expense to the Government. What harm can be done by this provision?

Mr. BANKHEAD. I find that the amendment was agreed to last Friday, a week ago yesterday, and there was no suggestion of a motion to reconsider within the time prescribed by the rule. Therefore the motion now comes too late.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. KING. I reserve the right to ask for a separate vote on the amendment in the Senate.

The VICE PRESIDENT. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. What amendments have been reserved?

Mr. THOMAS. I reserve the right to make a point of order against sections 5 and 6.

Mr. SMITH of Georgia. I desire to reserve the amendment offered by the Senator from Arkansas [Mr. KIRBY] to the road provision with reference to the use of convict labor.

The VICE PRESIDENT. The question is on concurring in all amendments not reserved.

Mr. KING. If it is permissible under the rules, I also reserve the right to raise the point of order in the Senate with respect to the amendment found on page 15, known as the pneumatic-tube amendment.

The VICE PRESIDENT. The question is on concurring in all the amendments made as in Committee of the Whole that are not reserved. They are concurred in, without objection.

Mr. THOMAS. Mr. President, I desire to make a point of order against sections 5, 6, and 8—that they are general legislation attached to an appropriation bill and are, therefore, obnoxious to the rule of the Senate upon that subject.

Mr. SWANSON. This specific question was debated at length and passed on yesterday by the Senate; the point of order was overruled after full debate and, on a yea-and-nay vote, the Senate sustained that decision.

There has also been some question as to whether or not a point of order which had once been raised and decided as in Committee of the Whole could be renewed in the Senate. There has been a conflict of opinion as to that; but the Chair has formerly held—I do not know whether that decision has been subsequently reversed—that under the rule the point of order must be made as in Committee of the Whole. The late Senator Clarke, of Arkansas, at one time took the ground that when a point of order had been decided as in Committee of the Whole the matter had been finally determined; and, acting as President pro tempore, he declined to consider a renewal of the point of order in the Senate. The raising of the point of order now has been precluded by the action of the Senate when it passed judgment upon the matter on yesterday.

The VICE PRESIDENT. The Chair announced as to the pending bill on yesterday that the Chair would not pass upon points of order or upon any question involved in the road controversy, for the reasons then given. So it is now up to the Senate to decide this question.

Mr. THOMAS. If the matter is to be decided by a vote of the Senate, of course I know what the decision will be.

The VICE PRESIDENT. Of course, it would be an appeal from the decision of the Chair, and would be decided the same way. It would not make the slightest difference in the world.

Mr. THOMAS. Then I withdraw the point of order, Mr. President, as, of course, it is a foregone conclusion.

The VICE PRESIDENT. Everybody knows that. The point of order is withdrawn. The question is on concurring in the amendment.

The amendment was concurred in.

The VICE PRESIDENT. The Senator from Utah [Mr. KING] reserved for a separate vote an amendment, which will be stated.

The SECRETARY. On page 15, the Senate, as in Committee of the Whole, agreed to an amendment beginning in line 3, after the words "Providing further," to strike out from the House text the words down to and including the words "District of Columbia," in line 7, and proposed to insert an item relative to the pneumatic-tube service.

Mr. KING. Mr. President, I raise the point of order against this amendment that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The Chair overrules the point of order. It is not general legislation.

Mr. KING. I ask for a vote.

The VICE PRESIDENT. The question now is on concurring in the amendment.

The amendment was concurred in.

The VICE PRESIDENT. The bill is in the Senate and still open to amendment. If there be no further amendment, the amendments will be ordered to be engrossed and the bill read a third time.

Mr. MOSES. I wish to offer in the Senate an amendment which I offered as in Committee of the Whole on yesterday, which was lost by a tie vote.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 37, line 15—

The VICE PRESIDENT. The Senator from New Hampshire will have to move to reconsider the vote by which the committee amendment was agreed to, if he is going to offer his amendment to the amendment of the committee. His amendment is out of order at present. The Senator from Colorado [Mr. THOMAS] withdrew his point of order, and the Chair put the question to the Senate on the amendment, and the amendment was concurred in. Now, the Senator from New Hampshire proposes an amendment to the committee amendment, but the vote whereby the committee amendment was agreed to will have to be reconsidered if the amendment to the amendment is to be presented by the Senator from New Hampshire.

Mr. MOSES. Then, I offer the amendment, Mr. President, in the form of a new section, to come in at the end of the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following as a new section:

SEC. —. That any money expended by the United States Government in the construction of military roads in any State to and from (but not within) any cantonment, aviation field, or any property used for military or naval purposes, shall first be deducted from the amount appropriated to such State under this appropriation.

The VICE PRESIDENT. The question is on the amendment.

Mr. MOSES. Mr. President, the purpose of again bringing this amendment to the attention of the Senate is because of the manner in which it was voted upon on yesterday and the result of that vote, and also to call attention to the desirability of equalizing the advantages to be derived by the several States under the provisions of this act.

In many of the States where military establishments were set up there were many miles of enduring roads built wholly by soldier labor and paid for wholly out of the military appropriations. The men who built those roads had enlisted to fight the Hun, but they became much more familiar with the concrete mixer than with the machine gun. While I am not questioning the military utility of the roads thus built, I do know that they extend over many miles in length; that they are wholly suitable for roads proposed to be created in this bill; and that, if they are to be taken over into the systems which the States thus benefited will create under this measure, it is only a matter of equity that those States should have the cost of those roads deducted from their allotment under this bill.

Mr. BANKHEAD. I did not catch the reading of the amendment, and I ask to have it again read.

The VICE PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment of Mr. MOSES.

Mr. BANKHEAD. We have voted that amendment down on one or two occasions, and I hope it will not be adopted.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire. [Putting the question.] The yeas seem to have it.

Mr. MOSES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from New Jersey [Mr. BAIRD] and vote "yea."

Mr. FRELINGHUYSEN (when the name of Mr. MOSES was called). The junior Senator from New Hampshire [Mr. MOSES] desires to have the announcement made that he is paired with the junior Senator from Kentucky [Mr. MARTIN], and therefore would withhold his vote.

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], who is absent. I therefore withhold my vote.

The roll call was concluded.

Mr. PENROSE (after having voted in the affirmative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I observe that that Senator has not voted, and I transfer my pair with him to the senior Senator from Utah [Mr. SMOOT] and will let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from New York [Mr. CALDER] with the Senator from Rhode Island [Mr. GERRY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 20, nays 35, as follows:

YEAS—20.

France	Kendrick	New	Sterling
Frelinghuysen	Kenyon	Norris	Sutherland
Gore	La Follette	Page	Wadsworth
Jones, Wash.	Lenroot	Penrose	Warren
Kellogg	McNary	Spencer	Weeks

NAYS—35.

Ashurst	Jones, N. Mex.	Poindexter	Smith, S. C.
Bankhead	Kirby	Pollock	Swanson
Beckham	Lewis	Pomerene	Thompson
Colt	McKellar	Ransdell	Townsend
Fletcher	Martin, Va.	Shafroth	Trammell
Gay	Myers	Sheppard	Underwood
Gronna	Nelson	Simmons	Vardaman
Hardwick	Overman	Smith, Ariz.	Walsh
Henderson	Pittman	Smith, Ga.	

NOT VOTING—41.

Baird	Gerry	McCumber	Shields
Borah	Goff	McLean	Smith, Md.
Brandegee	Hale	Martin, Ky.	Smith, Mich.
Calder	Harding	Moses	Smoot
Chamberlain	Hitchcock	Nugent	Thomas
Culberson	Hollis	Owen	Watson
Cummins	Johnson, Cal.	Phelan	Williams
Curtis	Johnson, S. Dak.	Reed	Wolcott
Dillingham	King	Robinson	
Fall	Knox	Saulsbury	
Fernald	Lodge	Sherman	

So Mr. MOSES's amendment was rejected.

Mr. SMITH of Georgia. Mr. President, there was an amendment reserved by me. Will that amendment be read in its order or what status will it occupy? It is to be acted upon again in the Senate, as I understand. Unless it is acted upon in the Senate favorably, it will not become a part of the bill.

The VICE PRESIDENT. The Senate will have to reconsider the vote. Is there any objection to that?

Mr. SMITH of Georgia. I could not understand the Chair.

The VICE PRESIDENT. The Chair said the vote will have to be reconsidered whereby the amendment was adopted.

Mr. SMITH of Georgia. It has not been adopted in the Senate. I reserved it.

The VICE PRESIDENT. The Chair understands that; and then the Senator went out.

Mr. SMITH of Georgia. I did not go out, Mr. President. The amendment was not called up.

The VICE PRESIDENT. Well, without objection, to make the record straight, the vote whereby the amendment of the committee was concurred in is reconsidered. The Secretary will state the amendment reserved by the Senator from Georgia for a separate vote in the Senate.

The SECRETARY. There was added at the end of section 6, after the word "marines," in line 15, the following amendment offered by Mr. KIRBY:

And provided further, That none of the funds herein appropriated shall be expended for improvements whereon convict labor is employed.

Mr. SMITH of Georgia. Mr. President, in a number of the States convicts have been put upon the public roads. In my own State I had the privilege of breaking up the convict lease system and turning the convicts over to the counties, where, under the county authorities, their entire time is given in the fresh air and under humane treatment to work upon the public roads. Our public road system is based upon the use of convicts. We have found that is the very best way that the convicts can be handled, and all the friends of reform in the treatment of convicts, especially in the States of mild climate, agree that it is by far the best way to handle them.

Of course, in the State of Georgia and in all States where there are unemployed laborers who desire work, there will be a chance afforded them to work on this enterprise. A road may stretch for quite a number of miles, and to exclude the use of any convicts on any part of the roads would be unwise and would seriously interfere with the existing mode of construction. No exclusion of the unemployed who desire work would take place, I feel absolutely certain; but to exclude entirely the use of convict labor in those States, especially in States where the climate is mild, where all the convicts are used on road work, would handicap those States in doing this work. In my own State it would be impossible at this time to employ free labor to do the road work. There is not labor sufficient to do the work now in the State, and many demands for labor are made in the State that can not be filled. There are no unemployed in the State, and I do not believe that there will be any unemployed this year in the State in which I live, of the class of unskilled labor that will do this work. I think we can trust the State authorities in this matter to handle it in the spirit of the bill. If this amendment is insisted upon, a number of them will be handicapped in their road work.

Mr. KIRBY. Mr. President, I presented this amendment because I thought it ought to become a part of the bill. We have talked here about improving conditions for the benefit of the returning soldier; we have said that he should be given the preference in the construction of these improvements for which the money is provided by this appropriation; and, if we are going to permit convicts to work on these roads to the exclusion of other labor, we are in effect obtaining this money from the Government under false pretenses. That is about what it amounts to.

The condition in my State is that we work the convicts on the State farm. I helped to destroy the convict lease system in my State, which was an outrage against labor, decency, and humanity there, and very scandalous conditions attached to the operation of it, and inhuman treatment resulted to the convicts employed under the contract. We work the roads by taxation in my State, and here we tax the people and give this money back to the State to improve the roads. I say that when you put a convict on the road you deprive the man who has not committed an offense, and who is not a criminal, and who has paid the taxes, of the opportunity to go out there and work on the road and get some of this money back. You deprive him of the opportunity for employment.

The convict on the farm is subject to the State's control. He is not required to work any more than he ought to be required to work. Nobody has any interest in doing that; and he can not produce enough crops to affect the price of crops. He therefore does not come in competition with the farmer. If you put him on the road, he does deprive the free man, who has paid his taxes and has not violated the law, of that opportunity for employment, and comes in competition directly with his labor.

I do not think that ought to be encouraged under a bill that is proposed to bring relief to the discharged soldier and give him an opportunity for employment upon his return home.

Mr. OVERMAN. Mr. President, in the State of North Carolina we work convicts on the farm, and then the counties also work their convicts. That does not interfere at all with free

labor. We work free labor and convicts. They do not work together. The convict gang works one part of a road, and the free labor works another part of the road, so that under this very bill which we propose to amend here we have used money to build the great highways through my State partly by free labor and partly by convict labor.

If we get this money we will use the soldiers, but at the same time we will not have enough free labor to build the roads unless we can use our convicts. If we send the convicts back to the penitentiary, or send them back to the farm, we can do scarcely any road building.

Mr. KIRBY. Mr. President, we are proceeding on the theory that we will need this authority to give the soldiers employment.

Mr. OVERMAN. Why, certainly we will need the North Carolina soldiers. We will work them on the road; we will pay them the salary and work them without regard to the convicts. The convicts will do their part, and the free labor will be paid, and every one of them will be employed.

Mr. KIRBY. I should like to ask the Senator this question: Can you not under the provisions of this amendment—it was intended in no other way—work the free labor on roads upon which convicts are not employed? You can say, "We will build this road, and this road, and this road with free labor."

Mr. OVERMAN. This will not interfere with the free labor. It will not interfere with the soldiers. We will give employment to every one of them, as we have been doing for two years under the appropriation we have and under the law to which this is amendatory. Now you want to deprive us of the appropriation we got two years ago and stop the convicts from working on the great central highways of the country.

As I say, free labor is not interfered with. There is no competition. There will be no competition. We will work all the soldiers that can be worked and that will accept employment.

Mr. SHAFROTH. Mr. President, in the State of Colorado we passed a law allowing 10 days off of a sentence for each month's service in road building, and the result was marvelous. The men who were convicts willingly, eagerly sought to be placed on the road. They did the work more rapidly than the ordinary person employed. It made them healthy. It gave them strength, so that when they left the prison, instead of having the prison pallor upon them, they were vigorous, strong, and could readily get employment. It has been a wonderful success in that State and has resulted in no opposition whatever to the convicts being used upon the State roads in the State of Colorado.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to his colleague?

Mr. SHAFROTH. Certainly.

Mr. THOMAS. The Senator should also state that convict labor in the State which we represent is devoted to road building under what is called the honor system. The convicts in Colorado work in squads, without guards. They select their own foremen. They are responsible for their return to prison whenever called upon. They are paid wages, the same wages which others draw. Their work is excellent, just as good as can be found anywhere; and the effect upon the morale of the prison population has been simply wonderful.

Mr. SHAFROTH. I will state, further, that although they have no guards—that while they are working in the daytime there is nobody watching over them except an unarmed superintendent, and at night no one but a guard who is himself a convict—we have no more escapes than occurred in the prisons before the time when that law was adopted.

On account of the great benefit which it has been to the State, it seems to me that that should be taken into consideration when we pass on this matter.

Mr. BANKHEAD. Mr. President, I simply desire to say a word.

It seems to me that the amendment of the Senator from Arkansas will have this effect if it is adopted: You are going to take these convicts off the road. Then what are you going to do with them? You must return them to the walls of the penitentiary or somewhere else where they can be employed, and necessarily you will put them to manufacturing different products for the market, thereby putting them in direct competition with skilled free labor. Now, does anybody want to do that?

That is all I want to say. I am against this amendment. I think it is very bad indeed.

Mr. SMITH of South Carolina. Mr. President, I want to state that the facts in reference to North Carolina, as stated by the Senator from that State, are practically the same that exist in my State. There was opposition to the use of convict labor to any extent upon what we call the State farm. There was unrest among some, whether well-founded or not, on the

ground that the products of this labor would come in competition with the products put upon the market by free labor.

It is now the universal custom in my State to put the convicts upon the roads. We have the taxing system there, and the convicts are employed in road building, not to the exclusion of free labor; and under this good-roads bill free labor can be employed to supplement the convict labor without any detriment whatever to the caste of those of free labor who do the work. If the amendment of the Senator from Arkansas should be agreed to, it would necessarily force us to employ them only on the roads for which the State itself had appropriated. We could not use them in conjunction with this appropriation to carry out the coordinated work that is here contemplated. It would demoralize the whole system. It would cause us not to coordinate. We could not have anything like the perfect system that could be worked out otherwise if this amendment should prevail.

I sincerely hope the amendment will be defeated. It will serve no good purpose whatever, but will create confusion.

Mr. VARDAMAN. Mr. President, I am not going to discuss this amendment. I rise simply for the purpose of expressing my regret that I was not here to vote on suspending the rules for the consideration of the amendment offered by the Senator from Idaho [Mr. BORAH]. I was called out of the Chamber on account of the illness of a friend, and was unable to be present to vote for that amendment, of which I very much approve, and I am sorry that it was not adopted.

Mr. JONES of New Mexico. Mr. President, I want to say just a word with regard to the amendment of the Senator from Arkansas [Mr. KIRBY].

New Mexico was the pioneer in this respect. As a Territory she first began in the United States the work of using convicts upon the public roads. We had quite a problem in handling our convicts. We did not know how to use them in any other way, so as not to bring them in competition with free labor; and so New Mexico first established the system of using her convicts in public road building.

I sincerely hope that the amendment of the Senator from Arkansas will not be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arkansas [Mr. KIRBY] to the amendment of the committee. [Putting the question.] By the sound the "noes" seem to have it.

Mr. KIRBY. I should like to have a division on it, anyway. The Senate all voted for it the other day.

On a division, the amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on concurring in the amendment made as in Committee of the Whole, as amended.

The amendment as amended was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. FRANCE. Mr. President, as there will be no roll call on the passage of this bill, and as there are certain features of the bill which I can not bring myself to approve, I desire the RECORD to show that I voted against the bill.

The VICE PRESIDENT. The question is on the passage of the bill.

The bill was passed.

Mr. BANKHEAD. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BANKHEAD, Mr. SWANSON, Mr. HARDWICK, Mr. TOWNSEND, and Mr. WEEKS conferees on the part of the Senate.

SECOND DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of the second deficiency bill, H. R. 15140.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15140) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1919, and prior fiscal years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

RECESS.

Mr. MARTIN of Virginia. I now move that the Senate take a recess until 2.45 o'clock to-morrow afternoon. The Roosevelt memorial exercises are to take place in the Hall of the House of Representatives at 3 o'clock, and I ask that the Senate recess until 2.45 o'clock p. m.

The motion was agreed to; and (at 6 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Sunday, February 9, 1919, at 2.45 o'clock p. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 8, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and ever blessed God, whose mercy is from everlasting to everlasting, we bless Thee for that providence which has upheld, sustained, and guided us through all the past. Continue, we beseech Thee, Thy blessings unto us that we come more and more into Thy kingdom under the leadership of the world's Great Redeemer. Amen.

The Journal of the proceedings of yesterday were read and approved.

NATIONAL CEMETERY IN FRANCE.

Mr. FOSTER and Mr. KELLEY of Michigan rose.

The SPEAKER. For what purpose does the gentleman from Michigan [Mr. KELLEY] rise?

Mr. KELLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter written to the Secretary of War by one of the leading lawyers of the State of Michigan, urging the establishment of a national cemetery in France.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

JANUARY 24, 1919.

HON. NEWTON D. BAKER,

Secretary of War, Washington, D. C.

DEAR MR. BAKER: I am informed by the Secretary to the President that a letter which I wrote to the President on December 27 has been referred to you. This letter related to the establishment in Europe of an American cemetery, wherein the soldiers of this country who died in Europe may be interred in a proper and decent manner. I am also informed that some Congressman has introduced a resolution on this subject, but I have not that resolution before me, and therefore do not know just what it is.

The idea I have in mind is this, as I think was fully stated in my letter to the President, that we ought to obtain two or three thousand acres of land somewhere in France or Belgium, preferably in France, that could be converted into a cemetery which would be large enough for all the deceased soldiers over there, and have their remains transferred there as soon as possible. While the Government has said, as I understand it, that it will cause to be shipped home the remains of such soldiers as their relatives desire to have brought home for burial, yet I am satisfied that many will feel, as did ex-President Roosevelt, that they would not prefer to have the remains brought to the United States for burial, and indeed it would be an almost impossible thing, and a gruesome one as well, to attempt to bring the remains of very many to this country after they have already been buried for several months.

If anything is to be done along this line it ought to be done promptly. Yourself and myself, as lawyers, know that we would have no right to purchase land in a foreign country even for burial purposes without some sanction by the Government of that country allowing us to do so, and a part of what we would need would be a provision by which we would have supervision of the property and the right to travel to and from it with such soldiers, servants, and agents as we might see fit to employ, and, of course, this would be a perpetual right, as the cemetery would be supposed to be perpetual. Then again, if the right were granted us by the Government of France we might have difficulty in getting title to the property that we needed or wanted, as some would perhaps refuse to sell, and others would hold us up for an excessive price, and, therefore, the only seemingly practical way would be for the French Government, or whatever country we might want to locate it in, by proper law passed, to purchase for us these lands, and, of course, would have the right to put in the act a condemnation clause where it became necessary. I would suggest that this cemetery be located not far from one of the battle fields where our boys fought so valiantly, and that the matter be taken up at once so that when spring comes we could begin transferring the remains of our boys into this cemetery. We have a large number of soldiers over there now who might be used for the purpose of aiding in this work, and I take it we could find plenty of people over there whom we could employ to assist in this work. In other words, it ought to be done quickly and before the markers which have already been put up to mark the graves have been destroyed or decay. I should judge from what I hear of the resolution which has been presented in Congress that the contemplation was to have several burying grounds. Of course, that might be necessary, but it would take legislation in other lands wherever the burying grounds were located, and it occurs to me that it would be more practical to have it all in one place, as above suggested, and the work handled along the lines as above suggested.

You probably have seen the cemetery at Chattanooga, wherein the remains of many of the Union soldiers are buried who fell on the battle fields near there. When I first saw that cemetery I was impressed with the idea that so many men were buried there when their relatives and friends lived in the same country and might have had their remains taken home for burial, but it is very certain that there would be a large number of our American boys whose remains would not be sent back to the United States; many of them have no friends who would ask to have them sent back home, as we certainly ought to honor them, as well as honor our country, by arranging for a decent burial place, and I know of no better way than the one I have suggested. I would, therefore, suggest that if the resolution already offered in Congress does not provide for one central cemetery, as above suggested, that it be amended accordingly. I am satisfied that the people of this country without exception would be pleased to have this work done, and that we would have no trouble when once it was understood throughout the country, and the matter should be carried through Congress without delay, because every Congressman would be deluged with letters if people knew this was up before them to have this carried through.

Please pardon me for taking so much of your time on this matter, but I deem it very essential and important, and, as above suggested, something ought to be done just as soon as possible. If you have any sug-